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**Conflict Resolution As a Learning Process  
The Sudanese People's Liberation Movement/Army 1983-2005**

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**Conflict Resolution As a Learning Process: The Sudanese  
People's Liberation Movement/Army 1983-2005**

**Malual Ayom Dor**

**In partial fulfilment of the regulations for the degree of Doctor of  
Philosophy**

**King's College, University of London**

## Abstract

This research focuses on the role of the SPLM/A in the negotiating process that eventually brought about the Comprehensive Peace Agreement (CPA) in 2005. It uses a comparative study methodology to present a precise description and explanation of the processes involved in the design and implementation of the CPA and its predecessor, the Addis Ababa Agreement (AAA), signed in 1972. It takes an interpretative constructivist approach to underline the importance of studying the process by which peace agreements are made, particularly the concept of 'learning by doing'. The study concludes that the process by which the CPA was achieved challenges the widely held conviction in conflict resolution theories that armed conflicts are ended when the warring parties have reached a stalemate or when international pressure is high. The Sudanese experience suggests that a true peace agreement comes when the parties mutually acquire confidence through social interaction in the negotiating process. It was the back-and-forth dynamic of 'learning- by-doing' through negotiation that was as important as any rationally-based deal reflecting costs and benefits. Through these negotiating sessions the belligerent delegations were able to build mutual confidence and trust and were able to reciprocate and adjust their positions; a clear indication that both sides were increasingly able to compromise on their positions – something that had been lacking when negotiations began. Continuous interaction between opposing sides is, therefore, a vital element in conflict resolution. During these negotiations and the ongoing interaction they required, Vice President Ali Osman Taha and the leader of the SPLM/A, Dr John Garang

de Mabior, developed a personal relationship to the extent that they learned to trust one another. The IGAD mediators ensured that the gains made as a result of this personal relationship between the principal negotiators would lead to the eventual success of the mediation process.

## Dedication

This thesis is dedicated to the martyrs of South Sudan and to Dr John Garang de Mabior, whose sacrifice made the Comprehensive Peace Agreement (CPA) possible.

## Acknowledgements

Innumerable friends and relatives made this thesis a reality and I seek their forgiveness if I fail to mention all of them. However, I must express my gratitude to Professor Vivienne Jabri and Mr. Richard Schofield whose continuous supervision and comments were essential to the successful completion of this thesis. I am also indebted to my family, Susan Agum and Susan Keji and our children. David Walker and his family made me feel truly at home and, without them, London would have been a nightmare. Last but not least, I am grateful to Professor Mervyn Frost, the director of the Department of War Studies who encouraged me to undertake the task of writing this thesis. He once said to me, “General Malual, no doubt because of the financial constraints it imposes, Africa is under-represented in the academic world, but our hope lies with you!” Great words from a generous man. Finally, I would like to express my gratitude to the Embassy of the Republic of South Sudan in Nairobi, Kenya which provided me with access to first-hand SPLM/A archival material. Allow me to also express my sincere appreciation to all my interviewees, without whom the preparation of this thesis would not have been possible. General Lazaro Sumbeyeio and Dr Mansur Khalid, in particular, shared with me their experiences of Sudan’s conflict resolution process and for that I am extremely grateful.

## Definitions of Abbreviations and Acronyms

AAA	Addis Ababa Agreement
BFPS	Berghof Foundation for Peace Support
CCI	Compagnie des Constructions Internationales
CIDCM	Center for International Development and Conflict Management
CDR	Commander
Col	Colonel
CPA	Comprehensive Peace Agreement
DoP	Declaration of Principles
ELF	Eritrean Liberation Front
EPRDF	Ethiopian People's Revolutionary Democratic Front
EU	European Union

Gen	General
GoS	Government of Sudan
GoSS	Government of Southern Sudan
IAFF	International Association of Fire Fighters
ICG	International Crisis Group
IGAD	Intergovernmental Authority on Development
INGOs	International Non-Governmental Organisations
IRIN	Integrated Regional Information Network
IPF	International Partners Forum
KPA	Khartoum Peace Agreement
MOU	Memorandum of Understanding
NANS	National Alliance for National Salvation
NCC	National Constitutional Conference



NCP	National Congress Party
NDA	National Democratic Alliance
NGOs	Non-Governmental Organisations
NIF	National Islamic Front
NRA	National Resistance Army
OAGs	Other Armed Groups
OLS	Operation Lifeline Sudan
PAF	People's Armed Forces
PMHC	Political Military High Command
PRIO	Peace Research Institute of Oslo
SAF	Sudan Armed Forces
SPLM/A	Sudan People's Liberation Movement/Army

SRSG      Special Representative of the United Nations Secretary General

SSLM      South Sudan Liberation Movement

UCDP      Uppsala Conflict Data Program

UN      United Nations

USA      United States of America

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## Chapter 1: Introduction, Research Questions and Methodology

At the beginning of 2005 the Sudan Peoples' Liberation Movement/Army (SPLM/A) signed the Comprehensive Peace Agreement (CPA) with the Sudan Government, thus ending two and a half decades of civil war in the country. The CPA addressed issues of governance aimed at bringing peace and security to the country, in order to realise the vision of a new Sudan; a democratic, secular country, based on justice and racial equality in which the marginalization of its peripheral populations by a governing elite in Khartoum would be abolished. The CPA, which was negotiated under the auspices of the Intergovernmental Authority on Development (IGAD)<sup>1</sup>, set forth specific governance, security and political arrangements through joint national institutions between the North and South of the country through a 'one-country-two-systems' model<sup>2</sup> and a subsequent referendum for self-determination for the Southern Sudanese at the end of a six-year interim period. The referendum produced a popular demand for independence from Sudan and the newly independent state came into being on 9 July 2011 as the youngest member of the United Nations, the Republic of South Sudan.

The CPA, in short, provided a framework to resolve 'the fundamental problem of

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<sup>1</sup> IGAD was founded in 1986 by the following countries to encourage regional development: Djibouti, Ethiopia, Kenya, Somalia, Sudan and Uganda.. Eritrea was admitted in 1993 following its independence from Ethiopia and South Sudan was admitted in 2011 following its independence from Sudan.

<sup>2</sup> The term is taken from the Chinese experience of integrating Hong Kong into Mainland China after the British colonial presence there ended in 1993 Adar, K. G. (2000) Conflict Resolution in a Turbulent Region: The Case of the Intergovernmental Authority on Development (IGAD) in Sudan, ACCORD, p.48

Sudan' and to realise the two-fold objective of the Machakos Protocol: the establishment of a new Sudan with a self-determination option for Southern Sudan. The CPA was ostensibly a liberal peace agreement that sought both the democratic transformation of Sudan as "New Sudan" and sustainable peace in the country through specific power sharing and security arrangements as well as a referendum for self-determination for the South. The CPA negotiations were based on reciprocal models for both the SPLM/A and for the Government of Sudan (GoS) in Khartoum. However, whereas the SPLM/A obtained the self-determination option, as well as military and political control over South Sudan, the North successfully retained the contentious issue of the preservation of Sharia Law, thus making a new, secular vision for the whole of Sudan more elusive. Critics have therefore argued that the CPA did not really solve the grievances between North and South Sudan, but became, instead, a tool to transform the two warring parties into 'partners for peace', separately exercising political and military control over the north and south of the country.

In order to achieve the CPA, which was to result in the secession of South Sudan from its northern neighbour, the people of Southern Sudan had to take a long and arduous journey. Since the nineteenth century the black African Southern Sudanese had been subjected to severe marginalization as a result of the slave raids supported by northerners under the aegis of the Turko-Egyptian administration. As Deng notes: "The enslaveable groups were the Black Africans in the non-Arab, non-Muslim South, who practiced indigenous religious beliefs, and were therefore viewed as heathens and infidels."<sup>3</sup> These slave raids were

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<sup>3</sup> Deng, F. M. (2010). *New Sudan in the Making? Essays on a Nation in Painful Search of Itself*. The

brought to an end as a result of the Anglo-Egyptian condominium, which was to replace the Turko-Egyptian administration. Aware that the southern Sudanese had faced marginalization inside Sudan, the new colonial administration developed a policy, known as the Closed District Ordinance, which sought to develop the southern regions of Sudan and to curb Islamic incursions into Southern Sudan and British-administered East Africa. Despite the good intentions of the new colonial administration, the Closed District Ordinance did not prevent Southern Sudan developing at a slower pace than its northern neighbour which had already benefitted from the higher education institutions and training centres that existed there. The disproportionate development that ensued led to discontent in the south of the country, as well as its continued marginalization. This, in turn, led to southerners calling for federalism in order to safeguard southern interests as well as to ensure continued development in the south of the country.

The southern calls for federalism, which was discussed at the 1947 Juba Conference, were ignored by the colonial administration and the northern-dominated Sudanese Government, in which was to mean that Sudan achieved independence in 1956 under a centralized system of government. Indeed, as Dau notes, Northern Sudanese “decided that the benefits of the federal form of government were fewer than its disadvantages” therefore “the Southern case for a federal system that could have guaranteed its equal participation in the affairs of the nation was rejected.”<sup>4</sup> Having failed to achieve their goals through dialogue, the southern Sudanese then turned to arms as a means of expressing their discontent through the Anyanya rebellion that ultimately resulted in the 1972

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Red Sea Press, Eritrea. p.101

<sup>4</sup> Dau, I. M. (2003). *Suffering and God: A Theological Reflection on the War in Sudan*. Nairobi, Kenya: Paulines. p.37.



Addis Ababa Agreement (AAA). The AAA brought about southern regional autonomy for a decade, after which the Government of Sudan abrogated the terms of the agreement and the people of the south turned again to armed resistance led by the Sudan People's Liberation Movement/Army (SPLM/A). Initially conceived as a movement for the creation of a new political dispensation for the whole of Sudan, the SPLM/A later turned its attention to the pursuit of self-determination as an option when negotiating with the Government of Sudan. The incorporation of self-determination in the CPA was a culmination of a series of meetings between the SPLM/A and the Government with the support of regional and international actors who helped to broker the 2002 Machakos Protocol, which was to become the basis of the CPA in 2005.

### Research Questions, Objectives and Methodology

This study focuses on the role of the SPLM/A in the negotiating process that eventually brought about the CPA and uses a comparative study methodology to present an account of the peace processes involved in the evolution of the CPA and its predecessor, the AAA, signed in 1972. The choice of these two case studies enables me to investigate the changes that took place in the SPLM/A's decision-making relating to how to end the conflict with the Government of Sudan. Although the AAA and the CPA were a result of the same contentious issues – political, religious and economic non-inclusivity – the processes that led to the two peace agreements were distinctly different from each other. Whereas the AAA was negotiated over a two-week period, the CPA took two years to complete and was supplemented by almost two decades of dialogue between the SPLM/A and the Government of Sudan. Furthermore regional and international

actors spearheaded the CPA process with significant direction being provided by the IGAD member-states, whilst the AAA was primarily an internal Sudanese affair, with nominal support from the World Council of Churches. The direct impact of the second Sudanese Civil War on Sudan's neighbouring countries, as a result of the influx of refugees and the accusations and counter-accusations of the neighbours' support to dissidents, made the second Sudanese Civil War a regional matter. Shifts in US global policy towards a more aggressive anti-terrorist campaign as a result of the 1993 World Trade Center bombings and the terrorist attacks in New York and Washington on September 11, 2001 made Sudan into a country of interest because of US suspicions that Sudan was providing "support for Islamic fundamentalism and Islamic organisations such as Hamas, Hezbollah, Gamaat Islamiya, and Abu Nidal."<sup>5</sup> Ultimately, regional and international pressure encouraged the belligerents to negotiate in good faith and to uphold the terms of the CPA, which led to South Sudan seceding from its northern neighbour in 2011.

This dissertation uses an empirical comparative analysis to study the different approaches taken by the Anyanya and the SPLM/A in their pursuits of a lasting peace with the Government of Sudan. Whereas the AAA provided the southern region of Sudan with relative autonomy, it fell short of guaranteeing the option of self-determination, a shortcoming that acted as the catalyst for the Civil War. The CPA, on the other hand, provided the southern Sudanese with the option of self-determination, which ultimately resulted in southern secession on the July 9, 2011. In order to achieve a comprehensive peace with Sudan, I suggest that the

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<sup>5</sup> Adar, K. G. (2000) Conflict Resolution in a Turbulent Region: The Case of the Intergovernmental Authority on Development (IGAD) in Sudan, ACCORD, p.48

SPLM/A had learned from the previous experiences of the Anyanya and the process by which it had reached an agreement with the Government of Sudan, which was ultimately abrogated within a decade. Keen to avoid a similar unworkable solution to southern Sudanese grievances, the SPLM/A approached warfare and negotiations in a manner that was significantly different from that of the Anyanya. Unlike the Anyanya, whose cadres received hardly any formal training during the First Sudanese Civil War, at its inception in 1983 the SPLM/A established a general training base and an officers' cadet training centre in Bonga, Ethiopia, under the supervision of the Ethiopian Government. Furthermore, two years after its inception, the SPLM/A sent cadres for political and military training to Cuba. Throughout the First Sudanese Civil War, Anyanya's military campaign was restricted to Sudan's borders with Uganda and the Democratic Republic of Congo, thus limiting its impact on Sudan and allowing it to be perceived as a localized conflict. The SPLM/A, on the other hand, fought a war on many fronts spanning all three regions of southern Sudan and encroaching on the traditionally northern territories of Blue Nile, Southern Kordofan (Nuba Mountains), Darfur to the west of Sudan and Kassala to the far east of the country.

**Figure 1: Anyanya I's theatre of operations**

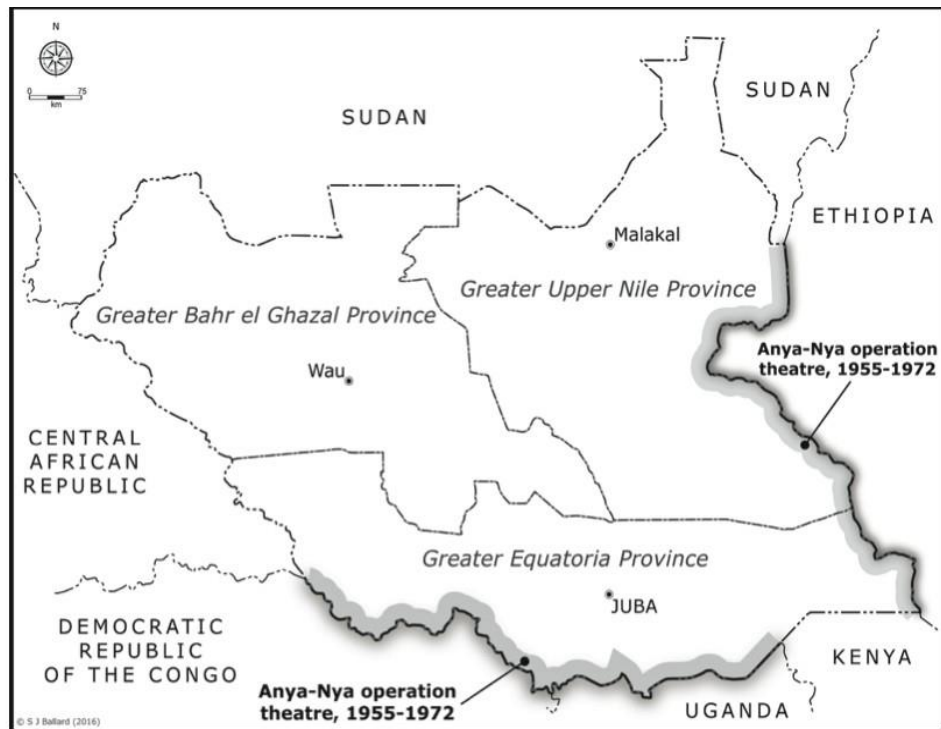


Figure 1 illustrates Anyanya I's theatre of operations, which focused on Sudan's borders with Ethiopia, Kenya, Uganda and the Democratic Republic of Congo.<sup>6</sup>

The CPA was to prove to be more durable than the AAA largely because much more care and time were devoted to its negotiation. As Dr John Garang recalled during the signing of the CPA, “there are both external and internal guarantees, organic external guarantees that will ensure the implementation of this agreement.”<sup>7</sup> Although the SPLM/A and the ruling National Congress Party (NCP) signed the CPA, the CPA was an inclusive agreement that was owned by all Sudanese, irrespective of their political or military affiliations, and it sought to negate future internal wrangling by ‘spoilers of peace’. Having witnessed the

<sup>6</sup> Map drawn to the author's specification by Mr. Sebastian Ballard in Hampshire, England in April, 2016

<sup>7</sup> Speech of Dr John Garang De Mabior during the signing of the CPA on January 9, 2005

internal wrangling that afflicted the AAA, Dr John Garang De Mabior wanted the CPA to unite the people of southern Sudan, explaining during the signing of the CPA:

“Finally, on issues that concern southern Sudanese, I want to say a little on south-south dialogue. On building national consensus, the SPLM will also spearhead the south-south dialogue. This dialogue, above all, is to heal the wounds and restore fraternity and mutual respect so as to create a healthier political environment that is accommodative of all southern Sudanese political forces, both at the level of southern Sudan and at the national level.”<sup>8</sup>

This thesis starts with the proposition that ‘learning’ is a significant dynamic in relation to a protracted conflict such as that under investigation. This is understood to be the procedure of modifying actual positions in the negotiation process through learning from prior mistakes, experiences and relationships, and applying such lessons to the subsequent evolution of the process; in other words, an iterative approach through which a negotiating process is refined through a repetitive procedure of comparing initiatives against outcomes in order to adjust further initiatives appropriately to achieve desired outcomes or an acceptable compromise. The negotiation process between the SPLM/A and the Government was a series of multi-tiered, four-phased engagements over a substantial period of time, which refined the positions of both parties to the extent that a compromise could be reached in the form of the CPA. Engagements that led to the CPA began with workshops that helped the parties to discuss the root causes of the conflict.

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<sup>8</sup> Ibid

Once an agreement on the root causes of the conflict was reached, a framework for future discussions was developed at the level of the representatives of the two parties. Once a framework for discussions had been established, senior representatives at the level of chief negotiators were introduced into the discussions to tackle contentious issues. The final stage of negotiation took place at the leadership level, in which the SPLM/A, represented by its chairperson, Dr John Garang De Mabior, and the Government of Sudan, represented by First Vice-President Ali Osman Taha, engaged in a high-level dialogue which led to the final agreement.

I seek below to justify the methodology used to investigate the topic of this thesis. Learning as a dynamic can be discerned at the level of decision-makers and leaders of organisations as well as organisations as such. The ability of an organisation and the decision-makers within it, to learn and adapt is affected by the conflict environment and the organisation's capacity for flexible adaptation to change. Furthermore, the capacity for learning arises from the way in which the organisation and its decision-makers are prepared to learn from experience. Thus, to identify learning—from-experience and the use of the lessons learned to improve decision, design and implementation, we must also trace strategic changes that took place in the conflict environment. As the focus of this investigation is the SPLM/A, questions of interest relate to the leadership of the organisation, and specifically Dr Garang and the organisation itself as the negotiators' constituency. Strategic changes were reflected in the organisational structure of the SPLM/A, as well as through its diplomatic, military, and political strategies and tactics during each phase of its insurgency. As a result, identifying

such changes will form a major part of this study.

The treatment of this issue, as developed here, provides the basis for an empirical investigation; identifying factors which may explain the protracted nature of negotiations and the behaviour of the SPLM/A during each phase of the conflict, exploring the individual and organisational learning process that took place in between successive peace talks between disputants, and describing how previous interactions impacted on the strategic choices the disputants made, as well as the third party decision-making process in response to the conflict. This approach is important because, rather than trying to fit empirical facts into preconceived theoretical propositions, as is normally done in case-studies – with the painful consequence of either having to discard the facts or the propositions when contradictions arise – the approach adopted here allows for conclusions to be derived directly from the facts themselves, such that the conclusions might have relevance for broadly analysing similar situations elsewhere. This study, therefore, aims to ensure the systematic empirical investigation of the various negotiating positions that the SPLM/A adopted over the course of the negotiation process as well as of the reasoning behind the shifts in position that occurred.

### Source Material

This study will rely on actual conversations (as reported in interviews) with the actual participants (mainly from the SPLM) in the CPA negotiation process. This study will also rely on the primary documents signed between the SPLM/A and the Government of Sudan, minutes of meetings, tapes of speeches by the SPLM/A leader from the SPLA Radio [1985-1991], SPLA revolutionary songs, official

reports and SPLA booklets. Care was taken to crosscheck material obtained from interviews against comments on the topics concerned from other active parties and against archival sources where they existed, in order to avoid inaccuracies. The author has chosen to investigate the experiences of senior SPLM/A members through interview as they provided a ready access to primary source material. Their insights into the second Sudanese civil war, as well as into the CPA negotiation process, provided information on sensitive matters that have not received academic treatment up to this juncture. The author compared and analysed the information that he received from the various interviewees in order to identify the points of consistency. It was these points of consistency that the author then used to draw the conclusions within this thesis. Given the author's experiences as a member of the SPLM/A since its inception, the interviewees were able to freely discuss their experiences with him in an environment of trust that had been cultivated over a two-decade period. Most of these resources have never been treated rigorously in academic study before, mainly because of difficulties of access. However, having been a part of the SPLM/A since its inception in 1983, the author has the contextual knowledge necessary to critically analyse the available source materials and draw well-considered conclusions based on his personal experiences. The author's current position as a senior military official in the Sudan People's Liberation Army puts him in the unique position of being able to discuss the key military battles that paved the way to the signing of the CPA. Archival research was also undertaken in the British National Archive in Kew where documentation related to British rule in Sudan from 1899 to 1956 and other materials on the conflict in Sudan were examined, together with other related documentation on the Sudan. The Military Colonial Archives in



Egypt were also consulted.

Some of the sources used in this analysis may seem unusual but may have a much greater relevance than at first would appear to be the case. I note, for example, that given the role songs play in traditional societies, SPLA revolutionary songs, expressing shared experiences of the fighting men and women are very useful in understanding the core issues in the Sudanese conflict. They express very directly the processes of learning and adaptation that took place within the SPLM/A, even among the most ignorant fighters on the battlefields. Each of the SPLA's battalions has its own revolutionary songs, which it used to boost morale under conditions of warfare. The SPLA revolutionary songs, like the SPLM/A manifesto, counter regional aspirations and preach a national vision of transforming the whole country from the centre. The revolutionary songs were composed as a reminder to the leadership of the SPLM/A of the experiences of the people of southern Sudan and as a method for spreading the message of the SPLM/A to the predominantly illiterate guerrilla fighters who were unable to access the SPLM/A's written literature. Such a dramatic shift in beliefs about a violent protest, initially a regional protest for recognition of rights but subsequently an ideological protest spearheaded by the South, can best be explained as a learning process.

Secondary sources relating to the negotiation process and to Sudanese conflicts in general were of particular value for the third chapter of this thesis. Also, secondary source materials concerned with organisational learning, cognitive and social psychology, conflict, negotiation and mediation are important for the

theoretical framework in Chapter 2. Though there are numerous books on the Sudanese conflicts, only a handful constitute objective analysis while the authors of the remaining studies fall into other categories, such as journalists whose accounts aim at nothing more than recounting stories of conflict [often with alarming inaccuracies], active politicians whose accounts aim at improving their political reputations, or Westerners and international NGOs whose accounts are one-sided because they had become aligned with the internal politics of the SPLM/A. Having been involved in the SPLM/A since its inception, the author of this thesis is able to draw upon his personal accounts of events and his personal experiences in order to select sources that provide an accurate and objective portrayal of the Second Sudanese Civil War and the negotiation process that led to the CPA. This study will show that the peace process leading up to the signing of the Comprehensive Peace Agreement in 2005 was not just a rational negotiation, but the result of a learning process through the interaction between opponents in the conflict environment.

### Research Questions

The study examines the peace process to answer the following *research question*: How was the SPLM/A able to negotiate an agreement that included principles that successive Governments since Sudanese Independence in 1956 had previously refused to consider? This question, in turn, involves a series of subsidiary questions, answers to which form an integral part of the response to the main research question, namely:

- 1) How did the SPLM/A use the flaws it perceived in the 1972 Addis Ababa Agreement to adapt its war strategies and bargaining mechanisms in

negotiating the CPA some thirty years later?

- 2) What were the political, diplomatic and military strategies that the SPLM/A adopted as a consequence of what it had learned from the previous experience linked to the Addis Ababa Agreement?
- 3) What led the SPLM/A to shift its stance away from the concept of a unified New Sudan<sup>9</sup> in the 1980s and to advocate, instead, the right to southern self- determination in the 1990s?
- 4) How did learning help the SPLM/A to manage its relations with regional and international bodies?

In order to answer these questions, this thesis has been divided into eight chapters. The first three chapters serve as an introduction to the substance of the thesis by highlighting the key questions it raises, exploring the theoretical perspectives on conflict resolution, describing the methodology that the author has used and providing a historical overview of Sudan and the factors that contributed to two civil wars in the post-colonial state. The following three chapters rely on both primary and secondary source materials, including songs composed by SPLM/A fighters, speeches and interviews by SPLM/A leaders, interviews with high-ranking members of the SPLM/A and other eminent personalities closely engaged in efforts at mediation between the SPLM/A and its opponents. The author, however, places significant weight on material gained from his interviews with key figures from the SPLM/A and with individuals who were involved in the negotiation process. Chapters four to seven inclusive also explore the learning experiences of the SPLM/A and how these experiences

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<sup>9</sup> 'New Sudan' was a term coined by Dr John Garang that visualized a new political dispensation in Sudan that called for a non-racial, secular and non-discriminatory system of governance

shaped its relationship with its constituents, its engagement with northern Sudan and its regional and international strategies. Given the level of empirical analysis required in order to ascertain whether the SPLM/A learned from the previous experiences of the Anyanya, in these chapters the author relies mainly on his interviews with senior SPLM/A officials<sup>10</sup>. In order to verify the information collected during the interviews, the author utilises his personal experience as a member of the SPLM/A since its inception and as, currently, a high-ranking member of the SPLA. The eighth and final chapter of the thesis provides an overall conclusion to the study.

In answering the research questions that it poses, this thesis argues that the back-and-forth dynamic of interaction between the SPLM/A and the Government of Sudan led to numerous social interactions, which in turn built confidence between the delegates and the trust that was garnered through this process led to the signing of the CPA. As Galtung observe: “peace depends on transformation of another relation between parties.”<sup>11</sup> In other words, peace requires a development of relations, which can be attained through regular engagement. The process through which the CPA was achieved should add an important element to the academic study of conflict resolution since the CPA negotiation process led to an agreement that brought independence to the people of southern Sudan who had experienced conflict with their northern neighbours ever since the Turko-Egyptian slave raids of the 19<sup>th</sup> century, In addition, relatively little qualitative

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<sup>10</sup> Interviews with senior SPLM/A officers, decision makers and members of the various SPLM/A negotiation teams allowed the author to gain access to primary source information that has not received academic treatment thus far.

<sup>11</sup> Galtung, J. “Introduction: peace by peaceful conflict transformation – the TRANSCEND approach” in Webel, C. and Galtung, J. (eds.) (2007). *Handbook of Peace and Conflict Studies*. Routledge. p.14

research in the field of Sudanese conflict studies has considered the role of ‘learning’ in the management of conflict situations. While some authors have investigated learning in conflict resolution (see for example, a suggestive article by Yaacov Bar-Siman Tov, 1994), the dynamics involved have not been subject to the detailed scrutiny in relation to a specific conflict. My aim in this study is to provide an investigation of the place of learning in achieving a successful outcome to a negotiation process. An examination of the initial positions of the SPLM/A and the Government at the outset of war and of their positions in the July 2002 Machakos Protocol and the subsequent January 2005 CPA reveals that the two parties moved from distinctly differing positions to a common point of agreement. This suggests that the dynamics of back-and-forth interaction in the actual negotiating process played a key role in moving the parties from their extreme positions to one that was perceived to be of mutual benefit. The activities involved in negotiation gave the disputants the opportunity to ‘cool off’ and to modify their views, which was why previously rejected proposals were eventually accepted virtually unaltered in terms of their substance. In demonstrating this ‘learning-by- doing’ process, this study focuses primarily on two peace agreements - the Addis Ababa Agreement (AAA) in 1972 and the subsequent CPA in 2005 – to provide a basis for the examination of the range of contributory factors which led to the achievement of peace in Sudan. By adopting this approach, the thesis explores the place of ‘learning’ as this relates to the leadership of the SPLM in its negotiations with the North, the leadership’s internal relations with the organisation, the SPLM/A, both its military and political wings, and the leadership’s engagement with regional and international actors. Timing was clearly of tremendous importance in the Sudan negotiations

that culminated in the CPA. However, what made the timing significant was the culmination of both local and international dynamics, those pertinent to the conflict as well as international issues that could now be mobilized effectively by the SPLM leadership.

For a conflict resolution theorist such as Zartman, the success of peace initiatives lies in the timing of efforts, noting that:

“Parties resolve their conflict only when they are ready to do so – when alternative, usually unilateral means of achieving a satisfactory result are blocked and the parties feel that they are in an uncomfortable and costly predicament.”<sup>12</sup>

Henry Kissinger, a proponent of the importance of timing to negotiations, once said, “stalemate is the most propitious condition for settlement.”<sup>9</sup> However, the experience of the CPA demonstrates that the back-and-forth nature of engagements was the most important factor in the success of the Sudanese peace process. Furthermore, the learning experience of the AAA allowed the SPLM/A to negotiate subsequently from a position of knowledge, which strengthened the movement’s ability to bargain effectively with the Government of Sudan.

The objectives of this thesis are therefore:

- 1) To understand and analyse the process leading to the CPA;
  - 2) To identify the role of ‘learning-by-doing’ in the evolution of the CPA;
- and

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<sup>12</sup> Zartman, W. I. The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments, *The Global Review of Ethnopolitics*, Vol. 1, No. 1, September 2001, p.8

- 3) To explain how learning from the experiences of the AAA helped the SPLM/A to manage relations internally, regionally and internationally

An understanding and analysis of the process leading to the CPA is vital to the field of conflict resolution, given the lessons it provides over the process itself. Indeed, identifying the role of 'learning-by-doing' will help academics in the field to understand the ability of the SPLM/A to shift its positions in accordance with realities on the ground. Furthermore, an exploration of the manner in which the SPLM/A learned from the experiences of the AAA demonstrates the importance of critically analysing the lessons of prior historical experience.

### Historical Background to the CPA

The disputants in the Sudanese conflict initially defended their interests vigorously during peace negotiations that began as early as the late 1980s. Both sides took what seemed to be deeply entrenched positions on various issues, with little sign of willingness to compromise and with every intention of solving the confrontation militarily. Doubting that the warring parties would ever agree on a compromise, several commentators, as well as the parties themselves, were convinced that the Khartoum government would not "abandon Sharia, and that the south refuses to be governed by it."<sup>13</sup> Young for instance, pointed out that negotiators on both sides were playing a complicated game of positioning themselves, each expecting the worst of the other.

However, to the surprise of many, in 2002, in the Kenyan town of Machakos, the

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<sup>13</sup> Young, J. (2005). John Garang's Legacy to the Peace Process, the SPLM/A & the South. Review of African Political Economy, 32(106), 535-548; p.32

disputants began to comply with solutions proposed by the Intergovernmental Authority on Development (IGAD) – a regional body tasked with mediating an end to Sudanese conflict. With a shift in US external policy as a result of its global fight against terrorism and those countries perceived to be supporters of terrorism, there was substantial pressure on the Government of Sudan to find a peaceful solution to its conflict. The change in US policy coincided with the rise of African sub-regional bodies such as IGAD, which Korwa G. Adar describes as “...increasingly performing tasks which go beyond socio-economic functional arrangements to those that fall within the general purview of realpolitik security perspectives.”<sup>14</sup> For Adar, the rise of IGAD led to a “...shift away from the concept of African solutions to African problems: to African sub-regional solutions to African sub-regional problems.”<sup>15</sup> The existence of IGAD meant that the US and the international community had a ready ally in finding a lasting solution to the Sudanese conflict.

Brosché suggests that the experience of the CPA indicates that involving both regional actors and the broader international community could constitute a fruitful approach towards reaching an agreement.<sup>16</sup> With a push from the United States, the United Nations Security Council decided to hold a two-day meeting on the situation in Sudan in Nairobi, Kenya in 2004. Indeed, the role of international actors appears to have been crucial, as Einas Ahmed affirmed, when he pointed out that regional and international actors pressured Sudan’s adversaries into joining the dialogue for a peace agreement by helping to resolve what had

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<sup>14</sup> Adar, K. G, (2000), *Conflict Resolution in a Turbulent Region: The Case of the Intergovernmental Authority on Development (IGAD) in Sudan*, ACCORD, South Africa, p.43

<sup>15</sup> Ibid. p.43

<sup>16</sup> Brosché, J. (2009). *Sharing Power – Enabling Peace? Evaluating Sudan's Comprehensive Peace Agreement 2005*. Uppsala: Uppsala University; p.13



become a ‘mutually hurting stalemate’ (the phrase is Zartman, W. (2000)) through their intervention. However, David Keen has argued that various regional and international actors did not contribute to producing a mutually hurting stalemate because many of them were doing very well out of the war.<sup>17</sup> The USA in particular used the stick of implicating Sudan in terrorism in the wake of the events of 11 September 2001 to coerce it into agreeing to an independence referendum in the South although it had not lost the war.

The chief mediator of the CPA, General Lazaro Sumbeiywo, on the other hand, claims that the agreement was the result of skilful mediation.<sup>18</sup> Brad Honoroff et al<sup>19</sup>, however, argued that the field of mediation is haunted by a lack of a widely-accepted understanding of the skills required to mediate effectively, a view which casts doubt on General Sumbeiywo’s assertion. In essence, they suggest, a skilful mediator must be aware of the political process involved in mediation as well as how to deal with different actors during the negotiation period. Sumbeiywo’s ability, therefore, to achieve the desired outcome of the negotiating process had to be undertaken in a situation where he was aware that the warring parties were suspicious of each other. This would have required a highly skilled and experienced mediator, an aspect of his activities that he did not emphasize, although he recognized that there were envoys participating in the meetings whose countries were not at peace with each other:

“The Ugandans, for example, were in conflict with the Sudanese Government over its support to the Ugandan rebels, the Lord’s Resistance

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<sup>17</sup> Keen, D. (2001). *The Political Economy of War*, Oxford University Press; pp.1-21

<sup>18</sup> Sumbeiywo, L. (2013) Interviewed by Malual Ayom Dor, Nairobi, 17 April

<sup>19</sup> Honoroff, B., Matz, D. & O’Connor, D. (1990). Putting Mediation Skills to the Test. *Negotiation Journal*, 6(1), pp.37-46.

Army. In addition, Eritrea and Ethiopia had just ended a border war with each other. There were also accusations and counter-accusations between Sudan and Eritrea over support to their respective dissidents.”<sup>20</sup>

In short, there was a lack of harmony within the mediation team itself, let alone in the international community, which wanted to hijack the negotiations. As General Sumbeiywo recalled, “After the Machakos Protocol everybody wanted to come in: the French, the Dutch, the South Africans, the Arab League. But the doors had to be closed.”<sup>21</sup> The interest of all these would be participants had to be balanced by General Sumbeiywo who recalled during an interview with ACCORD:

“But what I’m saying is get everybody to buy into the ideas, not bring everybody to the table... So I said that if the parties agreed then they would be accepted. But the two parties said, “look, you are putting this problem on us and we really don’t want to appear like we’re refusing anybody. But what will do is this: you forward whatever people apply and we will not reply.” So I would tell the would-be interveners, “I’m still waiting for the parties.” And they would ask me which party so they could sort it out, and I would say “both parties haven’t replied.””<sup>22</sup>

Einas Ahmed points out that: “Apart from international pressure, the CPA would probably not have been concluded successfully if it had not been for the personal ambitions of the main two negotiators, the late Dr John Garang de Mabior, Chairman and Commander-in-Chief of the SPLM/A, and the former First Vice

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<sup>20</sup> Sumbeiywo, L. (2013) Interviewed by Malual Ayom Dor, Nairobi, 17 April

<sup>21</sup> The Mediator’s Perspective: An interview with General Lazaro Sumbeiywo, (2006) ACCORD, p.26

<sup>22</sup> Ibid. p.26

President Taha.”<sup>23</sup> Mike Jobbins agrees that, “[t]hough a success for the international community, the CPA was nonetheless a Sudanese agreement, and appeared to be a major step forward by the leadership both of the rebel Sudanese People’s Liberation Movement (SPLM) and the National Congress Party (NCP)-led government (Jobbins, 2006).<sup>24</sup> Indeed, the personalities of the leaders (Garang and Taha) played a significant if not a primary role. Even while he was still a rebel leader, many regional and international actors accorded John Garang de Mabior the same respect as any Head-of-State. For instance, he was addressed as “His Excellency” in the signing ceremony of the CPA in 2005.

Although the negotiation process was subject to various setbacks, resulting in the intensification of war between 1998 and 2002, the prospects for a decisive military or political victory of one side over the other diminished over time, and this came to be better understood by both the National Congress Party (NCP) in North Sudan and the SPLM/A. The SPLA captured Torit in 2002 to demonstrate that it was not negotiating out of weakness, but the Sudanese Armed Forces then retook it to demonstrate that they were not negotiating out of weakness either. But the back-and-forth military struggle over the control of towns really revealed a situation of military deadlock, which eventually facilitated an atmosphere of commitment to a peace deal. As Jarstad and Nilsson have suggested, when the parties to a conflict engage in costly concessions by implementing unsustainable military and territorial decisions, peace is more likely to prevail.<sup>25</sup>

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<sup>23</sup> Ahmed, E. (2009). The Comprehensive Peace Agreement and the dynamics of post-conflict political partnership in Sudan. *Africa Spectrum*, pp.133-147

<sup>24</sup> Jobbins, M. (2006), The CPA Implementation: Talking Stock in Conference Proceedings from September 11th, 2006 Symposium entitled Sudan’s Peace Settlement Progress and Perils, p.7

<sup>25</sup> Jarstad, A. K., & Nilsson, D. (2008). From words to deeds: The implementation of power-sharing pacts in peace accords: *Conflict Management and Peace Science*, 25(3), pp.206-223

Achim Wennmann argues that this reflects a strategy designed to gain at the negotiating table what could no longer be won on the battlefield.<sup>26</sup> This perspective implies, therefore, that the move from violence to the negotiating table represented a deliberate strategic option chosen by the two parties, both of whom made concessions to each other in a bid to maintain political power in their respective domains of sub- national dominance by sharing national power between them. However, although the CPA catered to the continued political dominance of the NCP, it also provided for a significant opening of the political space between it and the SPLM/A, and the sharing of state power and wealth previously controlled by the NCP between them as well. After two decades of playing this game, both sides lost faith in their chances of winning militarily and began to see an opportunity for cutting their losses and achieving satisfaction through accommodation. Such a loss of faith forced both sides to give more weight to the need to redress the grievances of their followers, who grew more weary of war than their initial commitment to the cause would have suggested, thus making negotiations possible. Zartman sums this up nicely: “In a situation of continuing uncertainties, parties negotiate when they change their estimates of future potentialities.”<sup>27</sup> Aware of the regional and international repercussions of continuing the civil war, the Government of Sudan and the SPLM/A were willing to engage in internationally backed negotiations as a means of settling their grievances.

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<sup>26</sup> Wennmann, A (2009) *Wealth Sharing Beyond 2011: Economic Issues in Sudan's North-South Peace Process* CCDP Working Paper: (The Graduate Institute, Geneva, The Centre on Conflict, Development and Peace building), p.18

<sup>27</sup> Zartman, I. W. (1995). *Elusive Peace: Negotiating an end to Civil Wars*. Jessica Kingsley Publishers. p.18

The NCP had first tried to make an alternative peace with the then non-SPLM/A political groups through the Khartoum Peace Agreement of 1997, but that had failed because these parties were not widely accepted as representatives of the Southerners, a failure which boosted the identity of the SPLM as the sole representative of Southern Sudan and this left the NCP with no alternative but to accept to negotiate with the SPLM. Also, the Government of Sudan (GoS) was internationally isolated, largely due to being named a state sponsor of terrorism by the US State Department in 1993. Indeed, whilst Khartoum was undoing earlier SPLA victories between 1991 and 1994, it also sheltered Osama bin Laden and Al-Qa'ida, an action which stimulated fears of American action after the attacks of September 11, 2001.

A similar interpretation centers on the relation between the outbreak of war in the West (Darfur) and East (Beja), and oil revenues. The availability of oil resources (the oil wells at Unity Field were producing 160,000 bpd) to the NCP made it easier for it to afford and obtain sophisticated weaponry for the war, which the SPLM/A could not match.<sup>28</sup> Another consequence was that the SPLM/A began to run short of manpower, although it was never clear whether this was by design or simply a lack of resources. Thus, in a meeting in Rumbek in 2004, a top SPLA commander disclosed that he had no army under his command.<sup>29</sup> His remark was interpreted to imply that there was a lack of troops. However, one could also argue that the commander was suggesting that he was never given full powers to command the army by the SPLM/A leader and Commander-in-Chief, John

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<sup>28</sup> Lino, M. (2014) Interviewed by Malual Ayom Dor, South Sudan, 7 July

<sup>29</sup> We are here referring to the current South Sudan President Salva Kiir Mayardit who by then held the position of the SPLA Chief of General Staff.

Garang de Mabior. This was not the first time such comments had come from senior members of the movement. In 1991, Dr Riek Machar, a member of the Political High Command broke away from the movement with two of his colleagues,<sup>30</sup> accusing the Movement's leader of dictatorial behaviour.<sup>31</sup> Logistical and political weaknesses such as these would clearly hurt the SPLM/A if it insisted on continuing the fight.

On the other hand, the NCP could not afford to fight on so many fronts - in the East, the West, and the South of the country - simultaneously, so it was in its best interests to abandon the war in the South in order to focus on threats closer to home. It is difficult to argue that the SPLM/A would have taken such a war strategy had it not learned from the experiences of the First Sudanese Civil War. Indeed, for Francis Deng the SPLM/A had developed a learning culture:

“In the first years of its struggle, the SPLM/A set out an analysis of Sudan's problems as a conflict between the center and periphery that drew on the neo- Marxist dependency theories of the day. After the cold war, however, the SPLM relinquished Marxism and turned instead to African tradition, emphasizing the cultural rather than the economic difference between the center of Sudan and the South.”<sup>32</sup>

Roque echoed similar sentiments: “The SPLM has shown that it can be pragmatic and is able to adapt its institutional framework and rhetoric when confronted with

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<sup>30</sup> These were Commander Dr Lam Akol Ajawin and Commander Gordon Kong Chol. Both were members of the Political High Command

<sup>31</sup> This was published on the 28th of August, 1991 in a document titled: ‘Why Garang Must Go’ by the SPLM/SPLA-Nasir Faction led by Dr Riek Machar Teny

<sup>32</sup> Deng, F. M. (2010) The Paradox of southern Independence – Some Personal Reflections. Heinrich Bol Stiftung, Democracy, Vol. 8, pp.7-11

moments of internal crisis, as was the case after the 1991 split and the 2004 leadership crisis in Rumbek.”<sup>33</sup> The SPLM/A’s strategy of political accommodation has led to the amalgamation of different political forces and interest groups into an over-inflated institutional structure, which continually threatened the cohesion and ideology of the SPLM. Dr John Garang’s policy of accommodating political forces was well articulated in his speech at the signing of the CPA when he stated:

“I want in conclusion to quote, in terms of this inclusiveness, the gospel according to St John, that says in St John Chapter 14, Verse 1 and 2: Do not be worried and upset, Jesus told them, believe in God and believe also in me. There are many rooms in my father’s house and I’m going to prepare a place for you. I would not say if it were not true. So I say to all southern Sudanese on the occasion of this signing of this comprehensive peace agreement, that there will be many rooms in an SPLM-based government in southern Sudan and all are welcome.”<sup>34</sup>

The issue of political accommodation reflects a wider problem in terms of the way in which the SPLM/A demonstrates its popular legitimacy. Since its founding in 1983, it has struggled to establish legitimate internal democratic processes and instead has had to rely on ever-shifting alliances to maintain stability.<sup>35</sup> This contradiction represents an ongoing problem for the movement that it has still not been able to resolve. In fact, the interpretations given in the extant literature on the Sudanese conflict do not reflect the complexity of the

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<sup>33</sup> Roque, P. C. (2012). *The SPLM: Political Transformation or Strategic Adaptation? Sudan after Separation*, p.68

<sup>34</sup> Speech by Dr John Garang De Mabior during the signing of the CPA on the 9<sup>th</sup> of January 2005

<sup>35</sup> <http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/south%20sudan/217-south-sudan-a-civil-war-by-any-other-name.pdf>

situation or the reasons why the SPLM/A eventually complied with the idea of compromise over its objectives. Indeed, Matthew LeRiche has noted that Oystein and others have identified this compliance as a source of ongoing confusion over the Movement's ultimate objectives or, in fact, over those of its opponents. He adds that it is still not clear what changed in the political and military environment to make concessions on self-determination feasible for the NCP and the acceptance of *Sharia* possible for the SPLM/A.<sup>36</sup> In reality, the position of the SPLM/A could not have been captured better than in a public letter John Garang de Mabior wrote in 1998, stating that: "we in the SPLA are not interested in half solutions, for *history has taught* us: either a just and final peace or no peace at all."<sup>37</sup> As will be shown, the SPLA was not only *learning* from past history, as noted by Garang, but it was also learning through interacting with its opponent at the negotiating table. Otherwise there would be no other way of explaining why the SPLM/A finally accepted a 'half solution' by allowing for *Sharia* to remain in force until the end of the interim period before the referendum. The aim of this thesis is to place the lens on the dynamic of 'learning' in the SPLM/A's strategic decision-making in the South Sudan negotiations.

Both the SPLM/A's negotiators and the Sudanese government had to learn how to construct a viable agreement to end the war, not just in terms of rational decision-making, but also with the context of the socio-political environment in which they operated. To appreciate this, attention needs to be paid to the actual evolution of the conflict and its resolution and to the way that those involved in its resolution

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<sup>36</sup> LeRiche, M. (2013) Interviewed by Malual Ayom Dor, England, 21 August

<sup>37</sup> CDR Dr John Garang de Mabior's letter to all SPLA units dated October 16th, 1998. Accessed from South Sudan Embassy, Nairobi, Kenya on 13 November 2013



learned from previous experiences, namely the Addis Ababa Agreement. The beginning of new negotiations in early 2002, which were eventually to lead to the CPA, were marked by a phase in the negotiating process when both parties had to adopt a pragmatic attitude towards each other and had to accept concessions in good faith. Good Faith during negotiations by warring parties is an essential aspect of conflict resolution as Webel notes:

“...Conflicts may, perhaps paradoxically, promote and increase peace and diminish violence if the conflicting parties negotiate in good faith to reach solutions to problems that are achievable and tolerable, if not ideal.”<sup>38</sup>

In this respect the experiences of the SPLM/A were quite different from those of its predecessors who had lived through the AAA in 1972 when it was they who had to concede to the intransigence of Northern negotiators.

The SPLM/A's delegates to the peace talks had learned that what mattered was not simply the process of reaching an agreement but how it was reached in terms of the identities and interests of the parties involved in the mediation, the sequencing of issues at the negotiating table and the successful negotiation of implementation modalities. In other words, for the SPLM/A, at least, negotiating techniques as applied in the construction of the CPA were the consequence of a learning as a reflection on past failures that had been defined by past failure as well as learning at the negotiating table from the enemy and third parties.

At its inception, the SPLM/A was fighting to establish a unified and inclusive

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<sup>38</sup> Webel, C. “Toward a philosophy and metapsychology of peace” in Webel, C. and Galtung, J. eds., 2007. *Handbook of Peace and Conflict Studies*. Routledge. p.3

New Sudan, which was a shift away from the historic southern call for secession that had triggered the Anyanya movement. However, the 1991 split within the SPLM/A's ranks, in which the newly formed SPLM/SPLA-Nasir Faction called for southern self-determination, saw the SPLM/A respond to the popular southern call for secession and accept it as one of the possible solutions to ending the war. For constructivist theorists, Dr John Garang's decision to embrace southern secession as a possible outcome of the war was a result of his exposure to widespread southern demands and to the views of those SPLM/A members that had defected to the SPLM/SPLA Nasir Faction. Indeed, as Albert Bandura argues, "New patterns of behaviour can be acquired through direct experience or by observing the behaviour of others."<sup>39</sup>

The ultimate goal of the Anyanya movement had been restricted to southern secession rather than to changing the political dispensation of Sudan. It was a goal that ultimately restricted its appeal to southern Sudanese alone and ignored marginalized northern groups that were also dissatisfied with the Government of Sudan. Not only did Anyanya's message of secession fail to attract marginalized groups in northern Sudan, but it also failed to appeal to African sentiments or to attract international support. The lack of regional or international involvement in the First Sudanese Civil War resulted in a hastily negotiated peace agreement that did not involve any regional or international guarantors. Furthermore, the Anyanya movement failed to engage regional and international actors when negotiating peace with the Government of Sudan because of its restricted vision. The SPLM/A's approach was grounded in its ability to learn from past

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<sup>39</sup> Bandura, A. (1971) Social Learning Theory, New York: General Learning Press, p.3

experiences in Sudan, paying particular attention to the shortcomings of the Anyanya movement, both to inform its approach to fighting the war and to negotiating a peace settlement with the Government of Sudan.

The learning process relates to three different dimensions of the SPLM/A's actions. Firstly, it had to persuade its internal constituency of the viability of its approach, an issue that is addressed in Chapter 4. Secondly, it had to develop tools through which to engage with the Government of Sudan as is discussed in Chapter 5 of this thesis. Finally, it had to co-opt support from the international community in the process of achieving a viable and permanent solution to the conflict in which it was engaged, as indicated in Chapter 6.

### Lessons Learned from the CPA

Looking at the history of the Second Sudanese Civil War, one can argue that the Sudanese peace process, which led to the signing of CPA in 2005, began as early as 1986. The 1986 Koka Dam Declaration saw Northern and Southern Sudanese stakeholders agree on key issues that included the repeal of the imposition of Sharia Law in Sudan and the establishment of an inclusive constitutional-making process. It would however take almost two decades and numerous other engagements for the CPA to be signed by the Government of Sudan and the SPLM/A. Looking at the example of the CPA, it is clear that peace processes can take a significant period of time and numerous engagements to succeed. Perhaps the time and continuous engagement was critical to developing trust between the Government of Sudan and the SPLM/A thus creating an environment for compromise. These regular interactions were made possible through international

funding without which, the SPLM/A would have faced significant challenges in mobilising resources to travel to the various meeting venues.

The latter stages of the CPA brought together decision-makers from both sides namely, First Vice President Ali Osman Taha on behalf of the Government of Sudan and Dr John Garang de Mabior on behalf of the SPLM/A. Having decision-makers at the negotiating table negated the constant back-and-forth that was evident during the Abuja I Peace Talks of 1992, the Abuja II Peace Talks of 1993 and the various other engagements between the Government of Sudan and the SPLM/A. It is worth noting that the negotiations at the level of decision-makers occurred within the backdrop of international pressure from ‘respected countries’<sup>40</sup> that provided pressure throughout the negotiations process and support to both parties during the implementation of CPA.

### Theoretical Models and Peace Agreements

The advent of the Cold War witnessed a considerable number of peace agreements aimed at ending conflicts worldwide. Examples can be drawn from the 1993 end of Apartheid in South Africa, the 1998 Good Friday Agreement that led to a ceasefire between the British Government and the Provisional Irish Republican Army (IRA) and the 1995 Dayton Agreement that led to the end of the Bosnian War. As Christine Bell and Catherine O'Rourke point out: “the Post Cold War years have witnessed a steady proliferation of peace processes and

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<sup>40</sup> The author uses the term ‘respected countries’ to refer to countries that wield significant influence (be it political, military or economic) such as the ‘Troika’ countries (United States, United Kingdom and Norway).

agreements aimed at ending violent social conflict.”<sup>41</sup> Various theoretical approaches have attempted to explain conflict resolution. Zartman for example argues that conditions must be ripe for a peace settlement to occur.<sup>42</sup> This study argues however, that the adoption by the SPLM/A of a strategy leading to a negotiated outcome of the war in Sudan was the result of a learning process undertaken by the Movement in response to the failure of its predecessor, Anyanya, in the 1972 AAA as well as the result of learning at the negotiating table. In order to demonstrate this I see learning as a part of a process of social interaction, after pointing out the shortcomings of other theoretical analyses of the conflict in Sudan. In developing such an analysis, I consider the relevant literature on the Sudanese conflict and on social learning processes by notable writers such as Francis Mading Deng, Douglas H. Johnson, Robert Collins and others in order to present an analysis of the way in which the SPLM/A negotiated a viable peace agreement.

### Inadequacies in the Literature

Recent literature has revealed the ontological weakness of the liberal discourse in conflict resolution and the assumption that conflicts ‘can be brought to an end’ through the imposition of Western liberal democracy.<sup>43</sup> Fetherstone suggests that a reconsideration of the premises of liberal peace-building is essential, starting from its language. The liberal discourse has been supported by a dichotomist notion of peace and conflict that sees conflicts as inherently ‘bad’ that need ‘to be

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<sup>41</sup> Bell, C & O'Rourke, C 2010, 'Peace Agreements or Pieces of Paper?': The Impact of UNSC Resolution 1325 on Peace Processes and their Agreements' *International and Comparative Law Quarterly*, vol. 59, no. 4, pp.941-980

<sup>42</sup> Zartman, I. W. *The Timing of Peace*. p.8

<sup>43</sup> Fetherston, A. B. (2000). *Peacekeeping, conflict resolution and peacebuilding: a reconsideration of theoretical frameworks*. *International Peacekeeping*, 7(1), pp.190-218

solved'. Heathershaw disassembled the idea of liberal peace to show that the peace sought for in liberal peace-building is no longer a social event but the result of conflict practices: "from the end of the Cold War a shift occurred from an understanding of peace as a state of affairs in a given territory to peace as a process of post conflict intervention."<sup>44</sup> Anthropology has given an important contribution to the formulation of the debate. Richards proposes an ethnographic approach to conflict and peace "which brings war back within the range of social possibilities" whereby peace-war- peace should be examined in a continuum.<sup>45</sup> The language of conflict transformation supported the argument, as it seemed to describe the dialectic nature of social conflicts, lodged naturally in human relationships, better than conflict resolution.<sup>46</sup> Liberation movements such as SPLM/A are then seen as an expression of their state and society and of agents of change. Kriesberg talked of 'constructive conflicts' and proposed an interpretative approach to look at the way in which people can increase the benefit of social conflict in order to reduce its destructive component.<sup>47</sup> Conflict transformation has not received enough scholarly attention but the meaningfulness of relationship and social interactions is increasingly seen as a powerful tool in the practice of peace building and more relevant, given emerging notions of local peace-building.<sup>82</sup> State and society relationships in fact have emerged as an important lens through which to understand political as well as developmental dynamics in relation to peace and conflict in contemporary Africa.<sup>48</sup>

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<sup>44</sup> Heathershaw, J. (2008). Unpacking the liberal peace: The dividing and merging of peacebuilding discourses. *Millennium-Journal of International Studies*, 36(3), pp.597-621

<sup>45</sup> Richards, P. (2005). New war: an ethnographic approach. *No peace, no war: the anthropology of contemporary armed conflicts*. agris.fao.org. p.3

<sup>46</sup> Lederach, J. P. (1995). *Preparing for peace: Conflict transformation across cultures*. Syracuse University Press. p.17

<sup>47</sup> Kriesberg, L. (1998). *Constructive conflicts: from escalation to settlement*. p.329-331

<sup>48</sup> Karbo, T., & Mutisi, M. (2008). *Psychological Aspects of Post-Conflict Reconstruction*:

In supporting the debate on the ontological weaknesses of conflict resolution theory with its state-centric, ideologically liberal, Hobbesian bias and in strengthening the scant theory on the transformation of rebels into partners in peace processes, this thesis uses a one-case study methodology to provide as precise an explanation as possible of the process of transformation of the SPLM/A through the implementation of the CPA.

The critical military, diplomatic, and political changes in strategy that the SPLM/A undertook during different phases of its insurgency demonstrated the Movement's ability and capacity to learn and adapt. Sociologists and psychologists have identified pain as the mobilising factor that makes people and organisations change behaviour and the SPLM/A has certainly had its share of painful crises as the result of both external and internal factors, namely the fall of Mengistu's Government in 1991 and the split within the SPLM/A in the same year. This has helped it to appreciate the importance of learning to be flexible in its approaches to the problems it has faced.

Furthermore, once a transformative crisis of the kind experienced by the SPLM/A develops, the painful consequences of it are felt throughout the Movement so that the need for strategic or tactical change is made clear. However, it requires the top leadership to take the necessary action to absorb changes in the conflict environment and to act on that information with appropriate political, diplomatic, and military responses. In essence, therefore, the leadership depends on the

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Transforming Mindsets: The Case of the Gacaca in Rwanda. In UNDP/BCPR paper prepared for the Ad Hoc Expert Group Meeting on Lessons Learned in Post-Conflict State Capacity: Reconstructing Governance and Public Administration Capacities in Post-Conflict Societies, Accra, Ghana, Oct pp.2-4

movement's capacity for institutional learning – the process whereby decision-makers can change shared mental models of their organisation, their strategies, and their operational environment. Conversely, the ability of decision-makers within an organisation to learn and adapt to changed circumstances is also affected by the conflict environment and the capacity of the movement to make such modifications in its behaviour.<sup>49</sup>

From the 1960s to the first decade of the twenty-first century, a number of guerrilla movements have emerged in Africa.<sup>50</sup> Some of these armed groups did not succeed while others obviously succeeded in obtaining their goals, in part or in full. What made the difference? A series of articles edited into a book by Christopher Clapham showed that a number of guerrilla movements such as the Eritrean Liberation Front (ELF) and the Ethiopian People's Revolutionary Democratic Front (EPRDF) in the 1990s tended to be more successful when the liberators were actively learning from the environment in which they were operating.<sup>51</sup> Recent research on organisational learning by Lise Howard has argued that:

“Rather than seeking to impose preconceived notions about how the missions should unfold, peacekeeping is at its best when the peacekeepers – both civilians and military – take their cues from the local population, and not UN Headquarters, about how best to implement mandates.”<sup>52</sup>

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<sup>49</sup> Mayne, J. (2008). Building an evaluative culture for effective evaluation and results management. Institutional learning and change initiative (ILAC). p.9

<sup>50</sup> Clapham, C. S. (Ed.). (1998). African guerrillas. James Currey Publishers. p.53-72

<sup>51</sup> Johnson, D. H. (1998). The Sudan People's Liberation Army and the Problem of Factionalism. African Guerrillas. Oxford: James Currey, pp.53-72

<sup>52</sup> Howard, L. M. (2002). UN Peacekeeping in Civil Wars: Success, Failure, and Organisational Learning. In Workshop on Peacekeeping and Politics, New York, Columbia University (18-19 October)



Since its formation in 1983, the SPLM/A can be said to be one of the most successfully organised rebel movements in the world.<sup>53</sup> Bona Malwal, a prominent Southern Sudanese politician who lived in exile during the Second Civil War, admitted that: “Garang may well not enjoy the support he would need to defeat Sudan’s Central Government forces and seat himself in Khartoum, but if history is any guide, neither will the impoverished Sudanese Government defeat a guerrilla army which already seems better organised and better manned than anything the Sudan has yet seen.”<sup>54</sup> James Wani Igga, one of the top leaders of the SPLM/A asserted that “the popularity of this unique People’s Liberation Struggle that became evident hardly one year after its birth was due to its sweeping military victories.”<sup>55</sup>

What explains the sweeping military victories enjoyed by the SPLM/A is an interesting question. The key internal development for the Sudan People’s Liberation Movement was that it learned to adapt to changing circumstances during the early years of liberation process and was then able to tailor its objectives to fit realities.<sup>56</sup> This flexibility of approach was possible largely because of the Movement’s organisational capacity to institutionalize change and to adapt to changing domestic and international conflict environments. In part it was a consequence of ‘learning’ – from the experience of dealing with the North and appreciating the changing nature of government there, from Jaf’ar Nimeiri to

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<sup>53</sup> Breidlid, A. (Ed.). (2014). *A Concise History of South Sudan: New and Revised Edition*. Fountain Publishers. pp.262-276

<sup>54</sup> LeRiche, M., & Arnold, M. (2013). *South Sudan: from revolution to independence*. Oxford University Press. pp.5

<sup>55</sup> Igga, J.W. (2010). *Rediscovering our Roots*. Roberts and Brothers General Printers, p. 193

<sup>56</sup> Ajawin, Y., & De Waal, A. (Eds.). (2002). *When peace comes: civil society and development in Sudan*. Red Sea Press (NJ). p.221

Sadiq al-Mahdi and Hassan Turabi and finally to Omar al-Bashir. The resumption of the conflict after the failure of the AAA offered the SPLM/A a chance to ‘get it right this time around.’ It started the new round of conflict by correcting what had gone wrong during the Anyanya war, particularly the organisational shortcomings, but it was confronted by its own internal contradictions. This led to a split eleven years after it had been founded and this event, amongst others, led the movement to radically adapt its organisational structures in order to ensure ultimate success.

### Learning and Constructivism

This thesis will not review the various pedagogical models of learning in the discipline of Education. However, these are useful pointers that will help in developing a model of learning that is relevant in the context of conflict resolution. Two schools of thought – behavioural psychology and cognitive psychology – approach the concept of learning from differing angles. Learning, according to behaviourism, is seen as a change in the behavioural dispositions of an organism. Learning behaviours, according to behavioural psychologists, can be shaped by selective reinforcement. Because learning is equated with behavioural outcomes, behavioural laws exclude the role of mental operations.<sup>57</sup> Unlike the behaviourists, who are only concerned with what learners do, cognitive psychologists are interested in what learners know and how they come to acquire their knowledge. In this latter perspective, the learner interacts with the environment and acquires knowledge, skills, and competence from it.<sup>58</sup>

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<sup>57</sup> Jonassen, D. H. (1991) Objectivism vs. Constructivism: Do we need a new paradigm? Educational Technology Research and Development, 39 (3), pp.5-14

<sup>58</sup> Win, W. (1975) An Open System Model of Learning. AV Communication Review 23, pp.5-33

Constructivist Psychologists view learning as an active constructive process. In other words, individuals actively construct or create their own subjective representations of objective reality. For Constructivist Psychologists such as Bruner, new information is linked to prior knowledge, suggesting that learning is a subjective process whereby the learner processes information based on his or her prior experiences.<sup>59</sup> Therefore, Constructivism sees 'knowing' as a process of actively interpreting and constructing individual knowledge representations. How one constructs knowledge is a function of previous experiences, of mental structures, and of beliefs that one uses to interpret objects and events.<sup>60</sup> Constructivism claims that learners can only interpret information in the context of their own experiences, and that what they interpret will to some extent be individualistic, for learning is internally controlled and mediated by the learner. Constructivism holds important lessons on how to interpret the results of learning and how to design environments to support learning. Those environments must engage learners in negotiating meaning and in socially constructing reality.<sup>61</sup>

Like Constructivist Psychologists, Behaviourists view learning as being subjective by emphasizing that changes in behavior are a result of stimulus-response to information by the learner. As Parkay and Hass note: "an individual selects one response instead of another because of prior conditioning and psychological drives existing at the moment of the action."<sup>62</sup> Constructivist

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<sup>59</sup> Bruner, J. Quoted in Fosnot, C. T. and Perry, R. S. (1996) Constructivism: A psychological theory of learning. *Constructivism: Theory, perspectives, and practice*, 2, p.13

<sup>60</sup> Jonassen (1991), pp.5-14

<sup>61</sup> Ibid

<sup>62</sup> Parkay, F.W. & Hass, G. Quoted in: Zhou, M. and Brown, D. (2014). *Educational learning theories*. p.4

Psychologists and Behaviourists diverge in their view of how learning takes place however. Cognitive Psychologists consider learning as an inner cognitive process, whereas Behaviourists see learning as a result of acquired habits.

General Lazaro Sumbeiywo, the chief mediator of the IGAD mediated negotiation, in Machakos, told the author that the disputants arrived at the talks with no goals because they were not expecting an agreement.<sup>63</sup> An interview given by John Garang de Mabior to the press in Nairobi two years prior to the talks at Machakos confirmed this when he said: “the Khartoum government will not abandon *Sharia*, and the South refuses to be governed by it.”<sup>64</sup> It is clear in this statement as in many others made by Garang, that there was little expectation that an agreement could be reached. Certainly international pressure, together with realities of the situation on the ground, drove the parties to the negotiating table, but objectives and goals only emerged from the actual activity of negotiation. It was only through the process of negotiations that the SPLM/A and the Government of Sudan were able to develop positions, which ultimately led to the signing of the CPA. Constructivist theory would argue that the SPLM/A shaped its negotiation stance in terms of the experiences gained through its interactions with the Government of Sudan and the lessons it learned from such experiences.

Madaus, G. F., Scriven, M., & Stufflebeam, D. L. developed the concept of goal-free evaluation in 1983, arguing that in evaluating programmes one should not

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<sup>63</sup> Sumbeiywo, L. (2013) Interviewed by Malual Ayom Dor, Kenya, 17 April

<sup>64</sup> Garang, J. (2000) Interviewed by Kenyan Broadcasting Corporation (KBC), Kenya Television Network (KTN), Kenya, 6 January

take into account the goals of the programme because that might contaminate the findings and prevent the evaluator from identifying unexpected consequences and effects.<sup>65</sup> In addition, evaluation in constructivist environments is context dependent.<sup>66</sup> However, one of the weaknesses and criticisms of the constructivist approach is its apparent inability to evaluate learning.<sup>67</sup> Eisner argues that in some instances specifying objectives is very useful and appropriate, but in most cases those objectives will emerge from the activities of the class itself.<sup>68</sup>

The various approaches to constructivism in International Relations<sup>69</sup> all argue that international reality is socially constructed by cognitive structures that give meaning to the material world.<sup>70</sup> Constructivists believe that the human capacity for reflection or learning has its greatest impact on the manner in which *individuals* and *social actors* attach meaning to the material world and cognitively frame the world they know, experience and understand.<sup>71</sup> This distinction between individual and social actors leads to differentiation between personal constructivism and social constructivism. The major difference between the two approaches has to do with the locus of knowledge construction. For personal constructivists, knowledge is constructed in the head of the learner while he or

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<sup>65</sup> Madaus, G. F., Scriven, M., & Stufflebeam, D. L. (Eds.). (2012). Evaluation models: Viewpoints on educational and human services evaluation, Vol. 6 Springer Science & Business Media. pp.1-21

<sup>66</sup> Vrasidas, C. (2000). Constructivism versus Objectivism: Implications for interaction. *International Journal of Educational Telecommunications*, 6 (4), pp.339-362

<sup>67</sup> Prawat, R. S. & Floden, R. E. (1994). Philosophical Perspectives on Constructivist views of learning. *Educational Psychology*. 29 (1). pp.37-48

<sup>68</sup> Flinders, D. J., & Eisner, E. W. (1994). Educational criticism as a form of qualitative inquiry. *Research in the Teaching of English*, pp.341-357

<sup>69</sup> Cobb, P. (1994). Where is the mind? Constructivist and sociocultural perspectives on mathematical development. *Educational researcher*, 23(7), pp.13-20

<sup>70</sup> Adler, E. (1997). Seizing the middle ground: constructivism in world politics. *European Journal of International relations*, 3(3), pp.319-363

<sup>71</sup> Ibid

she is re-organizing his or her experiences and cognitive structures.<sup>72</sup> For the social constructivists, knowledge is constructed in communities of practice through social interaction.<sup>73</sup> For the purpose of this thesis, I will assume, following Charalambos Vrasidas, that knowledge is constructed both through social interaction and in the learner's mind.<sup>74</sup> Since the identities, interests and behaviour of political agents are therefore socially constructed by collective meanings, interpretations and assumptions about the world as well as being internally generated<sup>75</sup>, the main goal of constructivist explanations will be to provide theoretical and empirical explanations of social institutions and social change, through the combined effect of individual agents and social structures.<sup>76</sup>

### The Sudanese Experience

The SPLM/A was formed in July 1983 as a politico-military movement with a primary political objective – the liberation of the Sudanese peoples from exploitation by the central government in order to establish a New Sudan, which would be united, secular, socialist and democratic. Through this New Sudan vision its commander and founder, Dr John Garang de Mabior, reframed the ‘Southern question’ that had fueled the struggle of the Southern Sudanese against Khartoum since 1947, as ‘the fundamental problem of Sudan’.

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<sup>72</sup> Von Glasersfeld, E. (1989). Cognition, construction of knowledge, and teaching. *Synthese*, 80(1), pp.121-140

<sup>73</sup> Brown, J. S., Collins, A., & Duguid, P. (1989). Situated cognition and the culture of learning. *Educational researcher*, 18(1), pp.32-42

<sup>74</sup> Vrasidas, C. (2000). Constructivism versus Objectivism: Implications for Interaction, Course Design, and Evaluation in distance education. *International Journal of Educational Telecommunications*, 6(4), pp.339-362

<sup>75</sup> Adler, E. (1997). Seizing the Middle Ground. 3(3), pp.319-363

<sup>76</sup> Ibid

The SPLM/A was a military organisation which by necessity started in Southern Sudan but became a national liberation movement, championing the freedom of marginalized Southerners and Northern African populations, Arab democrats, secular communists, women and youth fighting to liberate themselves from the socio- economic and political marginalisation imposed by regimes in Khartoum.<sup>77</sup>

The New Sudan vision was both a political ideology and a method, as well as an objective of the struggle. During the civil war, the SPLM/A encompassed socialist and liberal ideas in search of ideological allies to achieve this New Sudan, shifting its ideological preferences from East to West at the end of the Cold War. As a result, given the absence of a clear political ideology, the SPLM/A remained a military movement during the conflict while its political organisation was never properly institutionalised. The SPLM, as a movement was really only used as an institutional cover for diplomatic initiatives, for mobilisation throughout Sudan and abroad, and for humanitarian assistance in the liberated areas but not as an ideological vehicle.

The New Sudan vision gained sympathy in the international arena but created internal rifts within the leadership and amongst the southern populations concerned only with independence for Southern Sudan from the North. For a decade the SPLM/A split into two main factions and other local groups, while some Southerners allied with Khartoum against the SPLM/A, increasing the militarisation of Southern Sudan and weakening the core group's demands. During the 1990s the vision of the SPLM/A was redefined to include the right of self-determination for the southern Sudanese as affirmed in the SPLM/A's first

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<sup>77</sup> Khalid, M. (2016) Interviewed by Malual Ayom Dor, South Sudan, 17 April

ever convention, the 1994 Chukudum Convention. That led to the reunification of the various factions but the New Sudan vision was not thereafter consistently shared by all in the Movement. Nonetheless given its normative vision of a united Sudan, the SPLM/A could put itself forward as a viable negotiating partner for the Government of Sudan (GoS) so that the CPA could be signed in January 2005, thus ending one of longest civil wars on the African continent.

The CPA provided a framework to solve ‘the fundamental problem of Sudan’ and to realise the dual objectives of the SPLM/A struggle – a New Sudan and the self-determination option for the Southern Sudanese. The CPA was a liberal peace agreement that sought both the democratic transformation of Sudan and sustainable peace throughout the country through specific power-sharing and security arrangements and a referendum for self-determination for South Sudanese at the end of a six-year interim period. In reality, however, the CPA negotiations amounted to a compromise for both the SPLM/A and the Government of Sudan involving minimal adherence to the New Sudan vision for either side. Whereas the SPLM/A obtained the self-determination option and the military and political control over Southern Sudan, it could not obtain the abolition of *Sharia Law*, making the realisation of a new secular Sudan much more of a challenge. The CPA thus did not resolve the grievances between North and South, but became a tool to end the war by creating a transitional ‘one-country-two systems’ model, with the two warring parties and now partners in peace individually retaining political and military control of their own major constituencies. The CPA thus effectively transformed the SPLM/A into a nationwide political party alongside the ruling party, the National Congress



(NCP), in the new Sudan institutions, marginalizing the opposition and civil society at the national and Southern levels, in order to ‘make unity attractive’ within the interim period of six years in order to realise the dual objectives of the New Sudan as enshrined in the agreement. The actual structure of the CPA, however, together with the military postures of its signatories, made those objectives – sustainable peace and democracy in Sudan - exceptionally difficult to achieve.

The aim of this thesis, therefore, is to identify the learning process experienced by the SPLM/A and the subsequent negotiations that led to the CPA. The thesis first uses the existing literature to establish the existing explanations of the processes by which peace agreements are achieved and then applies them to the Sudanese conflict to establish what are the inadequacies in such explanations before proposing amendments to them to answer the following questions:

- 1) How was the CPA made possible and why did it occur in the way in which it did?
- 2) How did the SPLM/A use the flaws it perceived in the Addis Ababa Agreement to adapt its war strategies and bargaining mechanisms in the CPA negotiation process some thirty years later?
- 3) Were patterns of political, diplomatic and military strategies adopted by the SPLM as a consequence of what it had learned from its previous experiences of the Addis Ababa Agreement, and what had changed in its behaviour?
- 4) How did the learning process involved help the SPLM/A manage its relations with regional and international bodies?

As the prominent southern Sudanese politicians Joseph Oduho and William Deng Nhial observed, conflict in Sudan was a result of the northern policy of political, administrative, educational, economic, social and religious subjugation of the southern Sudanese.<sup>78</sup> For liberal conflict resolution theorists, removing the subjugation faced by southern Sudanese would automatically result in peace in Sudan. Newman et al view the “...promotion of democracy, market-based economic reforms and a wide range of other institutions associated with ‘modern’ states as driving force for building ‘peace’.”<sup>79</sup>

The capacity of negotiations to terminate a conflict, as opposed to confirming a military victory, is rather a controversial matter in itself, especially if the expected outcomes relate to sustainable peace and self-determination. Quantitative research has revealed the weakness of conflict resolution as a mechanism to achieve sustainable peace and self-determination, at least as far as the twentieth century is concerned. The Uppsala Conflict Data Program (UCDP) together with the Peace Research Institute of Oslo (PRIO) and the Center for International Development and Conflict Management (CIDCM) used a longer timeframe to show that whilst there had been a decline in conflicts since the end of the Cold War, the frequency of armed conflict in 2006 was still roughly twice what it had been in 1946.<sup>80</sup> The wave of enthusiasm for conflict resolution was, furthermore, tempered by the realisation that peace agreements are not a universally recognized way of formally ending conflict; violent intrastate conflicts are ended more frequently

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<sup>78</sup> Oduho, J. and Deng, W. (1963) *The Problem of the Southern Sudan*. London: Oxford University Press, pp.40-55

<sup>79</sup> Newman, E. Paris, R. and Richmond, O. P. *New Perspectives on Liberal Peace Building*. New York: United Nations University Press, p.3

<sup>80</sup> Available at <http://www.PRIO.No/CSCW/Datasets/Armed-conflict/UCDP-PRIO>

without formal agreements.<sup>81</sup> Indeed, conflicts that terminate in a negotiated settlement are generally more prone to failure; a study of such formal peace agreements between 1989 and 2005 reveals that 40 per cent of conflicts ended by negotiated settlement returned to violence within five years. Finally, within the range of peace agreements that have been achieved, liberal solutions based on solely political approaches to resolving conflict are the least successful.<sup>82</sup> Evidence from Africa demonstrates this; the number of conflicts in the continent increased after 1990, mainly because of failed attempts to resolve prior conflict through political mechanisms.<sup>83</sup> Peace agreements, in fact, tend to freeze local dynamics, thus forcing social conflict into patterns that are easily interpretable within the Liberal Paradigm. Yet most African states are trapped in a circle of underdevelopment, which stimulates societal conflict so that the liberal agenda confronts ‘massive challenges to its successful realisation’.<sup>84</sup>

External attempts to export replicas of Western liberal democratic states can, ironically enough, repress popular accountability of government and thus the legitimacy of the state in the eyes of its citizens: yet state legitimacy is the key to building peace in post-conflict situations.<sup>85</sup> By interlinking peace-building strategies with the wider project of state-building, Western intervention can have

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<sup>81</sup> According to Human Security Report (HSR) (2005), Roeder and Rothchild found that power sharing is not effective against intense ethnic divisions; on the question of ethnic conflicts in Africa see Roeder, P. G., & Rothchild, D. (2005). *Conclusion: Nation-State Stewardship and the Alternatives to Power*

<sup>82</sup> Harbom, L., & Wallensteen, P. (2007). *Armed Conflict, 1989—2006*. *Journal of peace research*, 44(5), pp.623-634

<sup>83</sup> Waal, A. D. (2002). What’s new in the ‘New Partnership for Africa’s Development?’ *International Affairs*, 78(3), pp.463-476

<sup>84</sup> Luckham, R. (2004). *The International Community and State Reconstruction in War-torn Societies*. *Conflict, Security & Development*, 4(3), pp.481-507

<sup>85</sup> Brinkerhoff, Derick W., ed. *Governance in post-conflict societies: Rebuilding fragile states*. Routledge, 2007. pp.1-22

the adverse effect of undermining the sustainability of peace. The depoliticization of ‘peace’ and ‘conflict’ through such liberal assumptions has permitted the introduction of universal and technical solutions to resolve conflict situations. These disregard local power relations, politics and history – reproducing what Adorno has called the ‘administrated state’ within a political vacuum – hence missing the goal of achieving sustainable peace and democracy.<sup>86</sup>

In addition, in the Third World, global security concerns have superseded state sovereignty and the political process, preventing a natural evolutionary process in conflict resolution to emerge, as it had done in Europe, where the survival imperative reinforced the internal legitimacy and authority of the state.<sup>87</sup> Liberal peace agreements thus become the symbol of the mechanical and de-contextualized implementation of liberal peace and democracy as a normative ideal, against the complexity of ‘new wars’ encountered on the ground.<sup>88</sup> The use of such agreements was justified by a liberal optimism, which allowed for a subjective and short-term evaluation of outcomes solely in terms of the institutions provided for in an agreement – political parties and a Weberian state –

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<sup>86</sup> Young, C. Explaining the Conflict Potential of Ethnicity. In Darby, J. P., & Mac Ginty, R. (2008). *Contemporary peacemaking: conflict, peace processes and post-war reconstruction*. Palgrave Macmillan. pp.15-32

<sup>87</sup> Tilly, C., & Ardant, G. (1975). *The formation of national states in Western Europe* (Vol. 8). Princeton University Press. p.70

<sup>88</sup> Duffield, M. (2001), and Spears, (2000), make this point. Duffield examines security tied to development that leads to the extreme outcome of statebuilding, as developed over the last decade. On the concept of “new wars” see Kaldor, M. (2013). In *Defence of New Wars. Stability: International Journal of Security and Development*, 2(1), Paris, R., & Sisk, T. D. (Eds.). (2009). *The dilemmas of statebuilding: confronting the contradictions of postwar peace operations*. Routledge, Chandler, D. (2004). *The responsibility to protect? Imposing the ‘Liberal Peace’*. *International peacekeeping*, 11(1), pp.59-81, Jackson, R. H. (1993). *Quasi-states: sovereignty, international relations and the Third World* (Vol. 12). Cambridge University Press. Fearon, J. D., & Laitin, D. D. (2004). *Neotrusteeship and the problem of weak states*. *International security*, 28(4), pp.5-43. Menkhaus, K. (2013). *Somalia: State collapse and the threat of terrorism* (No. 364). Routledge, while Cramer, C., & Goodhand, J. (2002). *Try Again, Fail Again, Fail Better? War, the State, and the ‘Post-Conflict’ Challenge in Afghanistan*. *Development and Change*, 33(5), pp.885-909.

irrespective of their effectiveness in practice.<sup>89</sup> Conflict resolution literature has, however, begun to acknowledge that past evaluations of successful outcomes have often been short- term in their approach and has focused on formal technical implementation issues rather than internal social dynamics (namely on issues such as security reform, market liberalization and electoral practices; in other words, on issues of speed of introduction of ad hoc institutions regardless of their actual functioning).<sup>90</sup> Stedman has recognised that the narrow focus of conflict resolution misses the possible long- term benefits of peace-building and has pointed out that:

“Priority should be given to demobilisation of soldiers and the demilitarisation of politics, which is the transformation of soldiers into civilians and warring parties into political parties; in the absence, civil wars cannot be brought to an end.”<sup>91</sup>

However practitioners have read Stedman’s warning as an invitation to strengthen security sector reform and disarmament programmes as opposed to understanding the complexity that the study of human relations and agencies entails. The defenders of the liberal democracy paradigm have explained their predicament over the failure of their preferred model as a consequence of the tendency of post-conflict Third World countries to establish one-party states *de jure* or *de facto*. It has been this tendency, they contend, that has blocked the democratization they had anticipated. Their focus, therefore, switched to the problem of how to

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<sup>89</sup> Dunning, D., Johnson, K., Ehrlinger, J., & Kruger, J. (2003). Why people fail to recognize their own incompetence. *Current Directions in Psychological Science*, 12 (3), pp.83-87

<sup>90</sup> Berdal, M., & International Institute for Strategic Studies. (1996). *Disarmament and demobilisation after civil wars*. Oxford: Oxford University Press. p.90

<sup>91</sup> Stedman, S. J., Rothchild, D. S., & Cousens, E. M. (2002). *Ending civil wars: The implementation of peace agreements*. Lynne Rienner Publishers. p.3

strengthen ‘weak parties’ – previously the rebel movements – so that they would contest elections rather than threaten democratic stability.<sup>92</sup> After all, as Reilly points out, ‘It is difficult to imagine how the governance of modern states could be accomplished without meaningful political parties.’<sup>93</sup> A study of the internal dynamics of rebel groups during a struggle, their underlying motives in signing a peace agreement, the strategic interests of the parties in using an agreement as an extension of the dynamics of war, or leadership motivations, strategies and objectives in the post- agreement phase is all remarkably absent from conflict resolution theory.

### Chapter Conclusion

This thesis seeks, in effect, to determine the role of learning in conflict situations and in their management. We shall use the experience of the Sudanese People’s Liberation Movement and its military wing, the Sudanese People’s Liberation Army (SPLM/A), in negotiating the Comprehensive Peace Agreement that led to the achievement of independence of South Sudan as the case study. It took South Sudan some forty years to establish an equitable basis for relations with the North, the Republic of Sudan. This long period of adjustment to a new political reality was due both to misperceptions of the nature of the struggle within the liberation movement in the South and to the inability of the government in the North to appreciate its own failures of governance – as, for over forty years, successive governments in Khartoum endeavoured to unite a disparate nation

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<sup>92</sup> Carothers, T. (2006). The backlash against democracy promotion. *Foreign Affairs*-New York-, 85(2), p.55

<sup>93</sup> Reilly, C. A. (2009). *Peace-building and development in Guatemala and Northern Ireland*. Macmillan

through the policies of Arabization and Islamization.<sup>94</sup> This latter concern was particularly evident in its response to popular mobilisation in the South. For instance, Anyanya started as a force a few hundred strong in 1955 but when the first stage of the conflict ended in 1972 its strength had risen to several thousands fighters. This upward growth in the numerical strength of rebel groups was repeated with the rise of the SPLA in the early 1980s. This had begun through mutinies involving a few hundred men but rapidly grew to a numerical strength of over one hundred thousand by the time the war ended in 2005. The repeated inability of the Central Government in Khartoum politically to contain rebellions at moments when they were still manageable, and the recurrence of insurgencies demanding solutions to the unchanged issues revealed its serious lack of will to resolve the conflict which one of my interviewees described as “Khartoum’s failure to demonstrate any change of attitude towards the South.”<sup>95</sup> But Khartoum must have eventually changed its attitude towards the South in order to sign the Comprehensive Peace Agreement, which forced it to share power with the rebels it had sought to destroy for more than twenty years.

For over two decades, efforts to resolve the intractable Sudanese conflict that had begun in 1983 proved to be exercises in futility until 2002, when both the SPLM/A and the Government of Sudan underwent changes of attitudes, admitting that the nature and the history of the conflict meant that a military solution could not bring lasting peace and stability.<sup>96</sup> This thesis aims to show that part of the

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<sup>94</sup> Wheeler, A. C. (ed.). (1997). *Land of promise: Church growth in a Sudan at war*. Paulines Publications Africa. Issue No. 1, p.4

<sup>95</sup> Ofuho, C. H. (2013) Interviewed by Malual Ayom Dor, South Sudan, 17 July

<sup>96</sup> The first Draft of Preliminary Agreement presented by the Inter-Governmental Authority on Development (IGAD) mediating team to the SPLM/A’s delegation and the Northern delegation in Nairobi in 2002, available at the SPLM Archives at South Sudan Embassy in Nairobi, accessed on

difficulty in reaching this consensus was due to the fact that one party, the SPLM/A, was determined to reach an agreement with the North based on its knowledge of past southern experiences. In other words, the SPLM/A resolved never to repeat the mistakes associated with the Addis Ababa Agreement of 1972. It did not want to end up with another flawed peace settlement as that would amount to nothing more than a pause in the conflict as the Anyanya movement had discovered. The CPA on the other hand brought a lasting peace for Sudan. As Dr John Garang affirmed during the signing of the CPA, “your movement, the SPLM-SPLA, and the National Congress Party government have delivered to you a comprehensive peace agreement. A just and honourable peace which we have signed today and which you have all witnessed.”<sup>97</sup>

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April 17<sup>th</sup> 2013

<sup>97</sup> Dr John Garang’s speech. 9 January, 2005. Available at <http://www.sudantribune.com/spip.php?article7476>



## Chapter 2: Learning in Conflict Resolution

International Relations theorists such as Viotti and Kauppi, Dougherty and Pfaltzgraff, and Both and Smith view the field of International Relations from either an empirical or normative approach. The empirical approach seeks to explain why certain phenomena occur through a review of cause and effect. Whilst the normative approach prescribes what should be done in dealing with those phenomena.<sup>98</sup> And since we need a theory to support our argument it is a purpose of this chapter to present a theoretical and conceptual framework focusing on a learning model, which this thesis tends to employ throughout. In essence, it argues that the adoption by the SPLM/A of a strategy leading to a negotiated outcome of the war in Sudan was the result of a learning process undertaken by the movement in response to the failure of its predecessor, Anyanya, in the 1972 Addis Ababa Agreement (AAA). In order to demonstrate this, a constructivist approach is adopted, seeing 'learning' as part of a process of social interaction, after having demonstrated the shortcomings of other theoretical analyses of the conflict in Sudan. In developing such an analysis, it considers the relevant literature on the Sudanese conflict and on social learning processes, in order to develop a novel interpretation of the way in which the SPLM/A's negotiators learned how to construct a viable agreement to end the war in the creation of South Sudan through the Comprehensive Peace Agreement (CPA), a point that has been overlooked by virtually all previous analyses of the CPA. First

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<sup>98</sup> For further readings on Empirical and Normative theories, see Booth, K. and Smith, S., 1995. *International relations theory today*. Penn State Press. Dougherty, J.E. and Pfaltzgraff Jr, R.L., 1996. *Contending theories of International Relations: A comparative survey*. Boston, MA: Addison-Wesley; and Viotti, P.R., Kauppi, M.V., Paul, R.V. and Mark, V.K., 1999. *International relations theory: realism, pluralism, globalism, and beyond* (No. 327). Allyn and Bacon

alternative theoretical approaches to the Sudanese conflict are examined before considering the intellectual evolution that the SPLM/A underwent as it learned to avoid the pitfalls of the AAA in the negotiations leading up to the CPA. The chapter concludes by examining what ‘learning’ is and then develops a concept of learning by doing to demonstrate how this concept helped in the negotiating process.

### Perspectives on the Sudanese Conflict

The Sudanese conflict can be understood by looking back into what has been written about the conflict itself, its root causes and its management. But let's first ask what is a theory? A theory is an attempt to reach general conclusions about a broad body of material.<sup>99</sup> While a comprehensive survey of conflict resolution theories would take up more space than is available here due to the fact that the study of conflict has been the Centre of focus for over two thousand years<sup>100</sup>, a brief classification of the literature may help to clarify the purpose of this dissertation and situate it within the wider field. In the following sections, the major approaches that have been adopted by scholars of the Sudanese conflict in order to explain its nature are outlined. But before that, it is worth mentioning that the North-South distinction and the deep-rooted hostility between the two regions were grounded in religious conflict as well as a conflict between peoples of differing culture and language. The language and culture of the North were and still are based on Arabic and the Islamic faith, whereas the South had its own diverse cultures, religious beliefs and languages. The apparent differences

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<sup>99</sup> Hauss, C. (2010). International Conflict Resolution. 2nd edition. USA: George Mason University. p.24

<sup>100</sup> Ibid. p.28

between the Northern and Southern regions of Sudan were reflected in the British colonial administration's policy towards the Sudan. Indeed, "Until 1946 British administrators sought to develop the South along its own lines, building up a series of self-contained tribal units based upon traditional customs and organisations."<sup>101</sup> The Christian missionaries that were introduced to Sudan, along with the British administration, to provide education and healthcare to the southern regions of the country influenced the religious dispensation of the southern Sudanese who converted to Christianity and thus further entrenched the differences that existed between them and their Northern countrymen.

### Root Causes of the Sudanese Conflict

The root causes of the Sudan conflict are interrelated and are best explained by the Liberal Paradigm, which emphasises inequality as the root cause of modern conflict. In the Sudan, it is clear that marginalisation, in terms of political, economic, social, ethnic, cultural and religious are the root causes of Sudan's two civil wars. This marginalisation can be traced back to when its border was artificially drawn by a series of foreign invaders. Foreign influence in the Sudan began when a group of Arab traders arrived in the Sudan in the 16<sup>th</sup> Century. This influence was deepened when Egyptians sailed up the Nile and established contact with the already settled Arab population especially along the bank of the Nile. The Egyptian presence in Sudan paved the way for the arrival of Turks who formed the Turko-Egyptian administration in the mid-19<sup>th</sup> Century. The late 19<sup>th</sup> Century saw an Anglo-Egyptian Condominium established in Sudan, replacing the previously existing Turko-Egyptian rule. For Britain, its alliance with Egypt

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<sup>101</sup> Oduho and Deng, The Problem of Southern Sudan, p.3

was critical to its successful colonization of Sudan. Indeed, as Dowden notes:

“The British had the guns to seize Sudan but not the manpower to rule it. So they used Egyptian civil servants and kept in place and retrained Sudanese officials who had served the Mahdi and Ottoman rulers.”<sup>102</sup>

The end of the Anglo-Egyptian Condominium resulted in forced unity between the North and the South, with General Fabian Agamlong Guem acknowledging that, “when the British added the separate entity of the South to the rest of Sudan they used the excuse that it was part of the Ottoman Empire.”<sup>103</sup>

Traditional approaches to conflict analysis in Africa observes that, “all armed conflict in Africa are ethnic, tribal, cultural or religious.”<sup>104</sup> As Levinger notes:

“Intrastate conflict is particularly likely in countries whose leaders are able to control a state for the exclusive benefit of their clan or ethnic group, as in post-independent Rwanda, Burundi, Iraq and contemporary Sudan.”<sup>105</sup>

Ashutosh Varshney in an article titled Nationalism, Ethnic Conflict and Rationality notes that ethnicity “is used in two different ways. In the narrower, popularly understood sense, ethnic groups are racial or linguistic groups.”<sup>106</sup>

There is however, a broader meaning as well. As Donald Horowitz states: “all conflicts, based on ascriptive – that’s birth based group identities, real or

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<sup>102</sup> Dowden, R. (new edition) (2015). *Africa: altered states, ordinary miracles*. Portobello Books. p.169

<sup>103</sup> Guem, F. A. (2016). *Memoirs of A Village Born General*. Great Britain: Bourchier. p.227

<sup>104</sup> Suliman, M. (2005) *Ecology, Politics and Violent Conflict*. Sudanese Journal for Human Rights, Culture and Issues of Cultural Diversity. Issue no.1, November 2005. p.1 Available at [www.sudan-forall.org](http://www.sudan-forall.org)

<sup>105</sup> Levinger, M. (2013). *Conflict Analysis: Understanding Causes, Unlocking Solutions*. United States Institute of Peace. p.39

<sup>106</sup> Varshney, A., 2003. Nationalism, Ethnic Conflict, and Rationality. *Perspectives on politics*, 1(01), pp.85-99

imagined – race, language, religion, tribe or caste can be called ethnic.”<sup>107</sup> On his part, Nagel defines ethnicity in a broad way to subsume nationalism, race, religious and linguistic groups, while pointing to the historical and contextual fluidity of these terms and, therefore, to their socially constructed character.<sup>108</sup>

Writing in 1990, Pederson noted that, “ethnic conflict, political violence, and wars that presently shape many parts of Africa, Eastern Europe, Asia, and Latin America have deep-seated structural causes.”<sup>109</sup> Furthermore, proponents of the Primordialist school of thought argue that conflict in sub-Saharan Africa is a result of an internal issue based on ethnic suspicions.<sup>110</sup> Bowd and Chikwanha take this argument further by observing that the outbreak of intrastate conflict can arise when ethnic groups seek greater autonomy or strive to create an independent state for themselves.<sup>111</sup> Lake and Rothchild on the other hand argue that conflict can arise when “ethnicity is linked with acute social uncertainty.”<sup>112</sup> In other words, when there is social uncertainty or social strife, ethnic communities band together and form cohesion along ethnic lines in order to face potential threats from ‘outsiders’.

Conflict in Sudan can be explained as a war based on differences. As Oduho and

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<sup>107</sup> Horowitz, D.L., 1985. *Ethnic Groups in Conflict*. University of California Press. pp.41-54

<sup>108</sup> Nagel, J., 2003. *Race, Ethnicity, and Sexuality: Intimate Intersections, Forbidden Frontiers* (p. xii308). New York: Oxford University Press. p.1

<sup>109</sup> Pederson, D. (2002). *Political Violence, Ethnic Conflict, and Contemporary Wars: Broad Implications for Health and Social Well-being*. *Social Science & Medicine*, vol. 55, 2002. p.177 available at [www.elsevier.com/locate/socscimed](http://www.elsevier.com/locate/socscimed)

<sup>110</sup> Mateos, O. *Beyond Greed and Grievance: Towards a comprehensive approach to African conflicts: Sierra Leone as a case study*. In Bowd, R. and Chikwanha, A. B. (eds) (2010). *Understanding Africa's Contemporary Conflicts: Origins, challenges and peacebuilding*. ISS Monograph, 173, September 2010. p.50

<sup>111</sup> Bowd, R. and Chikwanha, A. B. (eds) (2010). *Understanding Africa's Contemporary Conflicts: Origins, challenges and peacebuilding*. ISS Monograph, 173, September 2010. p.14

<sup>112</sup> Hauss. *International Conflict Resolution*. p.189

Deng observed “the Southerner feels himself to be an African, while the ruling Northerner is proud of his Arab connections... This is why Southerners see the problem today as a fight for racial equality.”<sup>113</sup> As Hauss explains: “southern resistance flared up again in 1983, when the government imposed sharia on the entire country the southerners, being Christians; opposed the use of Muslim law and the oppression of their people that came with it.”<sup>114</sup> However, a recent research paper by Pagalia (2013), has argued that ethnicity does not, in itself, explain conflict, but that exploitation of such factors by political actors for political and economic purposes shapes conflicts as being ethnic in nature.<sup>115</sup> Although religious and ethnic differences may provide leaders with the rhetoric for mobilisation, they do not sufficiently incorporate the roles of other factors in contributing to civil conflict. For Anders Breidlid, “The implementation of the Sharia Law was a major blow to the Addis Ababa Agreement and the Constitution of 1973 and was therefore a trigger to the ‘Second Civil War’.”<sup>116</sup> Indeed, the removal of the so-called September Laws, which had introduced Sharia Law, had been one of the unyielding demands of the South since 1983.

It can also be argued that the Sudanese state underwent a crisis of identity, which pitted the North against the South and thus triggered the two Sudanese civil wars. The people of Northern Sudan identify themselves as an Arab and Islamic people, whereas Southern Sudan is inhabited by Black Africans who embraced Christianity as a result of British administration. Explanations of identity have

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<sup>113</sup> Ibid. p.2

<sup>114</sup> Hauss. International Conflict Resolution. p.189

<sup>115</sup> Pagalia, P. ‘Conflicts: African conflicts and the Role of Ethnicity: a Case study of Sudan.’ in Masabo, C. J. (2013). *Discerning for Peace in Africa: The Sudan Civil Wars and Peace Processes 1955-2013*. Hekima Review, (49), pp.137-150

<sup>116</sup> Breidlid, A. (Ed.). (2014). *A Concise History of South Sudan: New and Revised Edition*. Fountain Publishers. pp.264-269

tended to be adopted to explain the internal wars of African states, in particular, given the unalterable nature of African frontiers, decided upon by heterogeneity of many African states untouched, thus severely hindering effective nation-building.<sup>117</sup>

Francis Deng defined identity as the way individuals and groups defined themselves and are defined by others on the basis of race, ethnicity, religion, language and culture.<sup>118</sup> Typically, such crises of identity are said to be engendered by the complex ethnic and sectarian structures of many post-colonial African states. Francis Deng supports this analysis and argues that cultural heterogeneity and differences in identity were the causes of division within the population.<sup>119</sup> He highlighted the domination of the minority ‘Arabized’ section of the population over the non-Muslim, non-Arab majority as the underlying cause of conflict, explicitly stating that, “It was the attendant exclusiveness with an imbibed form of assimilation and rejection of other elements aside the dominating sect that depicts the cause for struggles.”<sup>120</sup> Thus, this was the way in which the foundation of crisis in Sudan was established.<sup>121</sup> Yet, whilst issues of identity influence the development of civil conflict, like ethnicity issues they do not fully capture every aspect for they ignore objective considerations, such as resource access and subjective factors such as the competing political behaviours of elites and leaderships.

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<sup>117</sup> Smith, A.D., 1996. Culture, community and territory: the politics of ethnicity and nationalism. *International Affairs* (Royal Institute of International Affairs 1944-), pp.445-458

<sup>118</sup> Deng, F. M. (1995). *War of vision: Conflict of identities in the Sudan*. The Brookings Institutions. p.1

<sup>119</sup> *Ibid.* pp.596-609

<sup>120</sup> *Ibid*

<sup>121</sup> Iyekolo, W. S. (2011). *A return of Hostilities? Comprehensive Peace Agreement, Transformational Challenge and future of Sudan* (Doctoral dissertation, Master’s Thesis, Aalborg University). pp.37-41

Muhammad Ihsan Qadir and Rafique A Khan suggest that most of the conflicts in Africa emerged as an expression of economic and social deprivations.<sup>122</sup> According to Francis Stewart, there are three types of social and economic factors that can provoke civil wars: namely, group inequality; private motivation and failure of the social contract.<sup>123</sup> As such, proponents of Greed Theory view conflict as a result of “sharp horizontal inequalities between groups in conflict, with economically underprivileged groups denied access to political power.”<sup>124</sup> Collier and Hoeffler, who have written widely on the economic background to conflict, particularly in Africa, have argued that most wars are usually caused by struggles for resources, for they provide potent reasons for division in otherwise homogeneous societies.<sup>125</sup> Their work also argued that heterogeneous societies are no more prone to factionalism than homogeneous ones, thereby contradicting Francis Deng’s characterization of the Sudanese conflict as being caused by competing visions of multiple identities.<sup>126</sup> As soon as Collier and Hoeffler’s thesis on economic causes of civil war was published, a number of scholars applied its arguments to the Sudanese conflict. Francis Stewart for example concluded that the root causes of violent conflict in developing countries like Sudan are usually not far removed from economic and social costs they involve.<sup>127</sup> In a similar fashion, Suleiman argues that, “The war in the South is

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<sup>122</sup> Qadir, M.I. and Khan, R.A., “Abounding Internal Conflicts in Africa: An analysis of Prepotency of Greed or Grievances”. Margalla Papers 2015. p.67

<sup>123</sup> Levinger, M. Conflict Analysis. p.40

<sup>124</sup> Stewart, F. (2004). Development and Security (CRISE Working Paper no.3, Centre for Research on Inequality, Human Security, and Ethnicity. Oxford. p.15. Available at [www.crise.org.ac.uk/pubs/workingpaper3.pdf](http://www.crise.org.ac.uk/pubs/workingpaper3.pdf)

<sup>125</sup> Collier, P., & Hoeffler, A. (1998). On Economic Causes of Civil War. Oxford economic papers, 50(4), pp.563- 573

<sup>126</sup> Ibid

<sup>127</sup> Stewart, F. (2002). Root Causes of Violent Conflict in Developing Countries. BMJ: British Medical



best understood as resulting from opposing political approaches to the reality of diminishing resources.”<sup>128</sup>

Switzer has argued that competing claims over access to and control over the oil fields exacerbated the conflict in Sudan.<sup>129</sup> The argument has to be nuanced, however, for the conflict actually began prior to the discovery of oil, so that the chronology of the conflict is also of importance in determining the role that oil played. For example, the word ‘oil’ does not appear in the Addis Ababa Agreement text, yet the discovery of oil contributed to the collapse of the Agreement, thus highlighting an important lesson in our understanding of peace agreements: peace can fail as a result of unforeseen consequences. The only hope of reversing such an event depends not on built-in mechanisms but rather on the willingness of actors to continue to cooperate in addressing future crises. In reality though, one side’s greed prevented it from being able to share oil wealth with the other; instead it used its revenues to finance the conflict, thereby dashing any hope of an equitable peace.

Yet, even if economic factors did figure prominently in the Sudanese conflict, the Greed Theory “... disregards the dynamics of resource distribution within states and therefore the formation of economic group inequalities has largely been overlooked.”<sup>130</sup> Another instance that challenges this theory of economic

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Journal, 324(7333), p.342

<sup>128</sup> Suliman, M. (1997). Civil War in Sudan: The impact of Ecological Degradation. *Contributions in Black Studies*, 15(1), p.7

<sup>129</sup> Switzer, J., & Fund, J. H. (2002). Oil and violence in Sudan. *International Institute for Sustainable Development*. p.2

<sup>130</sup> Porto, J. G. (2002). *Contemporary Conflict Analysis in Perspective*. Lind, J., K. Sturman. *Scarcity and Surfeit*. The Ecology of Ylonen, A. (2005). *Institutions and Instability in Africa: Nigeria, Sudan, and Reflections from Mises's Nation, State and Economy*. *New Perspectives on Political Economy*,

opportunism is as follows. The then President of Sudan, Nimeiri, offered a peace package based on the 1972 Addis Ababa Agreement to the SPLM/A in the mid-1980s, offering the SPLM/A's leader, John Garang, the position of Vice President of Sudan, including a free hand to administer Southern Sudan on Nimeiri's behalf, but Garang, in a public response, assured the Southern Sudanese that the SPLM/A would never betray the Sudanese people by negotiating a bad peace with their oppressors.<sup>131</sup>

In a recent research paper, Aleksi Ylonen criticizes Greed Theory as applied to Sudan pointing out that it was not principally rebel economic opportunities that lay behind the two southern rebellions, but rather rebel socio-economic grievances derived from culturally and regionally imposed political marginalization, which sparked off the conflict.<sup>132</sup> Ylonen explains that the mutiny in the oil-rich region in the South was expressly related to Sudanese government policies designed to undermine Southern autonomy, rather than to insurgent economic opportunism. Ylonen argues that the Collier-Hoeffler framework is insufficient for interpreting the Sudanese conflicts because it cannot accommodate culturally and regionally defined political marginalization or the socio-economic consequences that follow these factors.<sup>133</sup> Equally, Qadir and Khan have challenged the application of the Collier-Hoffler Greed Theory, arguing that Greed Theory has selective relevance instead of universal application.<sup>134</sup> In the same vein, William Reno noted that, "violent appropriation

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1(1), pp. 38-60Conflicts. Pretoria: Institute for Security Studies, pp. 1-49

<sup>131</sup> Breidlid, A. (Ed.). (2014). A Concise History of South Sudan. pp.264-269

<sup>132</sup> Ylonen, A. (2005). Institutions and Instability in Africa: Nigeria, Sudan, and Reflections from Mises's Nation, State and Economy. New Perspectives on Political Economy, 1(1), pp.38-60

<sup>133</sup> Opcit

<sup>134</sup> Qadir, M.I. and Khan, R.A., "Abounding Internal Conflicts in Africa". p.67

of resources can emerge as part of a larger set of political strategies that predate these rent-seeking opportunities, rather than a cause of conflict in the first instance.”<sup>135</sup>

Although Ted Gurr and Monty Marshall support the Collier-Hoeffler argument observing that, “...most African conflicts are caused by the combination of poverty and weak state institutions”<sup>136</sup>, the Collier-Hoeffler model is too narrow to explain the root causes of Sudan’s North-South conflict because a combination of factors underpinned its civil wars. Indeed, Douglas Johnson observes that “...religion, local perceptions of race, and social status, economic exploitation, and colonial and post- colonial interventions are all elements in Sudan’s civil war.”<sup>137</sup> This returns us to the importance of the Liberal Paradigm in explaining conflict, since for writers such as Johnson; there were a number of factors that underscored conflict in the Sudan.

A year after the signing of the Comprehensive peace Agreement in 2005, the Berghof Foundation for Peace Support (2006) concluded that “The root causes of the communal inter and intra-tribal and ethicized regional conflicts in Sudan could be seen in the competition over meagre and dwindling natural resources and political power positions.”<sup>138</sup> Similarly, Baker (2011), on the eve of the secession of South Sudan from Sudan, noted that, “Mutual distrust, repeated retaliation, unfair allocation of resources, and poor governance have resulted in a devastating

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<sup>135</sup> Reno, W. (2002). Mafia Troubles, Warlord Crises. *Beyond State Crisis*, pp.105-28

<sup>136</sup> Quoted in Irobi, E. G. (2005). Ethnic Conflict Management in Africa: A comparative case study of Nigeria and South Africa. *Development Policy Management Network Bulletin*, 13(3), p.1

<sup>137</sup> Johnson, D. H. (2003). *The Root Causes of Sudan's Civil Wars*. p.13

<sup>138</sup> Unger, B., & Wils, O. (2007). *Systemic conflict transformation and inclusive governance in Southern Sudan*. Berghof Foundation for Peace Support, Berlin. p.8

civil war.”<sup>139</sup> Le Riche and Matthew Arnold, in a recent book, argued that the root causes of the Sudanese conflict were exponentially expanding grievances driven by ever widening numbers of actors.<sup>140</sup> No doubt all these factors - ethnicity, sectarianism, identity, and resources access - can, in general, play a part in inciting conflict but they do not, either individually or collectively, allow us to generate a convincing explanation for the way in which the SPLM/A was eventually able to find a solution to the conflict. For that to be achieved, attention needs to be paid to the actual evolution of the conflict and to the way that those involved in its resolution learned from experience how that could be achieved. Furthermore, serious scholarly work on the Comprehensive Peace Agreement (CPA), has exclusively focused on the character of the agreements themselves, pointing out the weaknesses and strengths of each whilst completely ignoring aspects of the process by which they were achieved.

In the case of the Sudan, it is clear that inequality, whether social, economic, ethnic, cultural, political or religious precipitated the conflict. These various contributing factors to the Sudanese conflicts can be addressed through the application of the Liberal Paradigm on conflict Resolution. Levinger acknowledges the mitigation of inequality in developing countries such as Switzerland, Belgium, Canada, Nigeria, India, Bolivia, Cambodia and Malaysia, which developed a formula of inclusiveness.<sup>141</sup> This formula encompasses power sharing within the central government, a federalist or decentralised system of governance and the development of checks and balances to govern majority rule.

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<sup>139</sup> Baker, C. Sudan since the 2005 Comprehensive Peace Agreement: Prospects for Peace, Lessons Learned. Briefing papers, University of Denver. pp.3-5

<sup>140</sup> LeRiche, M., & Arnold, M. (2013). South Sudan. pp.105-235

<sup>141</sup> Levinger. M. Conflict Analysis. p.39

If one is to accept the Liberal Paradigm, then it could be argued that the Sudanese conflict may have been averted if the government of Khartoum established a system of governance that negated inequality.

### What is Learning?

Levy defines learning as "...a change of beliefs (or the degree of confidence in one's beliefs) or the development of new beliefs, skills, or procedures as a result of the observation and interpretation of experience."<sup>142</sup> This definition is limited in scope as it focuses on individual learning and yet organisations also learn<sup>143</sup> and organisational structures help enhance or hinder individual learning.<sup>144</sup> In the managerial literature, organisational learning refers to changes taking place within an organisation. Generally the learning literature emphasizes learning as a mechanism through which organisations can enhance performance<sup>145</sup> despite the recognition that learning may be "...equally about how to negotiate current relationships."<sup>146</sup>

These definitions are applicable to this case study because the SPLM/A is an organisation comprising individuals who make decisions. There is also general agreement that organisations learn through individuals and that individual

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<sup>142</sup> Levy, J. S. (1994). Learning and Foreign Policy: Sweeping a Conceptual Minefield. *International organisation*, 48(02), pp.279-312

<sup>143</sup> Gould, J. M. (2009). Understanding Organisations as Learning systems. *Strategic Learning in a Knowledge Economy*, p.119

<sup>144</sup> Haas, E. B. (1990). When knowledge is power: three models of change in international organisations (Vol. 22). Univ of California Press. p.17, Edwards

<sup>145</sup> Hedberg, B. "How Organisations Learn and Unlearn", in Nystrom, P. C., & Starbuck, W. H. (Eds.). (1981). *Handbook of organisational design* (Vol. 1). Oxford: Oxford University Press., pp. 3-27

<sup>146</sup> Easterby-Smith, M., Crossan, M., & Nicolini, D. (2000). Organisational learning: debates past, present and future. *Journal of management studies*, 37(6), pp.783-796

learning is a fundamental building block of organisational learning.<sup>147</sup> Individuals and the social processes through which they interact, both within and outside their own organisations, either facilitate or constrain organisational learning.<sup>148</sup> At the same time, individual learning, at some level may be irrelevant to organisational learning: “Individuals learn all the time and yet there is no organisational learning.”<sup>149</sup>

In this case study, I demonstrate the difficulty in differentiating between Garang’s learning as an individual and the SPLM/A’s learning as an organisation.. A number of the interviewees<sup>150</sup> in this study believed that the learning process undertaken by Garang was automatically transferred to the SPLM/A as an organisation because Garang imposed his ideas, through his charismatic leadership, on the organisation. The inseparability of the individual and the organisation can lead to conflict within an entity. This was evidenced by the violent conflict that took place between the SPLM/A and Anyanya in 1983 and the split within the SPLM/A in 1991, whereby Garang’s alleged monopoly over the movement’s policies resulted in the formation of the SPLM-Nasir Faction, which rebranded itself as the South Sudan Independence Movement (SSIM). In spite of Southern calls for separation by the SPLM/A’s splinter factions, Dr John was steadfast in his call for a united and secular Sudan. A number of factors such as a negative experience involving repeated failures, disappointments, the attainment of new information that may call into question current beliefs and

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<sup>147</sup> Fiol, C. M., & Lyles, M. A. (1985). Organisational learning. *Academy of management review*, 10(4), pp.803- 813

<sup>148</sup> Easterby- Smith, M pp.37(6), pp.783-796

<sup>149</sup> Senge, P. M. (1990). *The fifth discipline: The art and practice of the learning organisation*. New York: Currency Doubleday., p.236

<sup>150</sup> Khalid, M., Deng, O., and Hiteng, C. (2013) Interviewed by Malual Ayom Dor, South Sudan, 17 April

policies, or past policy successes, could all trigger learning.<sup>151</sup> Garang's refusal to adopt secession as an SPLM/A policy was not an indication of the absence of both individual and organisational learning, but rather was a result of his reflections from his experiences during First Sudanese Civil War and subsequent AAA. Garang was cognisant that calls for Southern independence would portray the Second Sudanese Civil War as a conflict between the North and the South as opposed to a conflict between Sudan's marginalized groups and the minority clique regime in Khartoum. Indeed, the Anyanya movement focused on the separation of the South from the North, which had the effect of uniting Northern Sudan against this Southern separatist group. The SPLM/A addressed this by calling for a change of the governance system in the whole country. As Levy would argue, learning may also strengthen a decision-makers' current attitudes and beliefs and thereby discourage a policy change.<sup>152</sup>

In defence of his concept of a united New Sudan, Garang reflected on the experiences and history of the Sudan:

“The objective of the Movement has been used as the excuse for the Nasir<sup>153</sup> betrayal. I know as well as they do that the South feels strongly about its quest for independence. There are valid reasons for their wish but strength of passion is not the same as the practicality of the proposition at this time. We must base our approach on the objective realities facing us.

The National Islamic Front (NIF) has dropped the hint that it would be

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<sup>151</sup> Sitkin, S. B. (1992). Learning through failure-The strategy of small losses. Research in organisational behavior, 14, pp.231-266

<sup>152</sup> Levy, pp.279-312

<sup>153</sup> Nasir is a town in Upper Nile state, where the heads of the splinter group, Riek Machar and Lam Akol, announced their coup against John Garang in 1991. Their faction of the SPLA was dubbed the Nasir Movement while the original SPLM/A was called the SPLM/A mainstream or the SPLM/A Torit, where it had its headquarters

ready to let the South break away if the Nasir removed John Garang and abandoned the call for the New Sudan. A little thinking could have made our brothers realize that the NIF was being as typically deceptive as its predecessors. When Southerners demanded a federal system as their condition for supporting the independence of the Sudan in 1956, the Arabs promised them ‘due consideration.’ That promise was contemptuously disregarded after independence. Do we have to repeat the same mistake in 1991? Why would the government cede territory to them after the successful destruction of the SPLA? The very fact that the NIF detests the concept of ‘New Sudan’ confirms that we have touched the right button.”<sup>154</sup>

Scholars of learning organisations acknowledge that there are several approaches to defining learning organisations <sup>155</sup> Researchers in the field of learning organisations have identified the following four perspectives on learning organisations: Systems Thinking; Learning Perspectives; Strategic Perspectives; and Integrative Perspectives. Senge for example adopts Systems Thinking to define learning organisations as organisations that possess not only adaptive capacities but also the ability to create alternative futures.<sup>156</sup> Pedler, Burgoyne and Boydell on the other hand focus on the Learning Perspective, and define learning organisations as organisations that facilitates the learning of all of its

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<sup>154</sup> John Garang de Mabior, Speech to Senior SPLM/A Officers in Yei Garrison (29-30/06/2000)

<sup>155</sup> Yang, B, Watkins K. E. Marsick, V. J., (2004). The Construct of the Learning Organisation: Dimensions, Measurement, and Validation, Human Resource Development Quarterly, vol. 15, no. 1, Spring 2004. p.31

<sup>156</sup> Senge, (1990). The fifth discipline: The art and science of the learning organisation. New York: Random House. p.23



members and continuously transforms itself in order to meet its strategic goals.<sup>157</sup> Garvin's Strategic Perspective views learning organisations as an organisation skilled in creating, acquiring and transferring knowledge, and at modifying its behaviour to reflect new knowledge and insights.<sup>158</sup> Watkins and Marsick provide an Integrative model of learning organisations, whereby they define learning organisations as one that learns continuously and transforms itself.<sup>159</sup>

Although there are different approaches to defining a learning organisation as demonstrated in the preceding paragraph, some common characteristics such as adaptability, flexibility and learning from experience can be identified. In the case of the SPLM/A, the movement's experiences encompassed all four approaches to learning organisations. The SPLM/A demonstrated its adaptive capacity by diverging from the historic Southern call for secession from Northern Sudan through its 1983 Manifesto that called for the creation of a unified New Sudan governed through a new political dispensation. Through Garang's charismatic leadership, the SPLM/A as an organisation was able to transform the strategic goals of Southern revolutionaries to accommodate the demands of marginalised Sudanese citizens as a whole. The fall of Mengistu, the end of the Cold War and the independence of Eritrea influenced the SPLM/A to amend its strategic goals during its first conference in Chukudum in 1994. It was during this Conference that the SPLM/A reflected on regional and international realities and aligned its goals to new demands such as the potential for Southern self-determination and

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<sup>157</sup> Pedler, M., Burgoyne, J., and Boydell, T. (1991). *The learning company: A strategy for sustainable development*. New York. McGraw-Hill. p.1

<sup>158</sup> Garvin, D. (1993) *Building Learning Organisations*. Harvard Business Review, vol. 4, Issue 71. p.80

<sup>159</sup> Watkins, K. E and Marsick, V. J. (1996). *In action: Creating the learning organisation*. Alexandria. VA: American Society for Training and Development. p.4

the change to the SPLM/A's internal governance structures to adopt democratic ideals. It is clear that Garang had borrowed from the various models of learning organisations.

One fundamental premise underlying organisational studies is that the behaviour of organisations mimics that of the actors that inhabit them.<sup>160</sup> This premise, however, should also be set against the view that, even if this is the case, organisations as collective enterprises, may also have greater capacities than those of the individual actors who comprise them, even if individuals can act as decision-makers within them. Thus observation and interpretation of experience may lead to a change in decision-makers' attitudes and beliefs and the change in attitudes and beliefs may, in turn, lead to consideration of a policy change when decision-makers acknowledge that this is necessary to reach their objectives.<sup>161</sup> For example, the collapse of the SPLM/A's communist ally, the Mengistu Government, in May 1991 and the end of the Cold War, which resulted in the global promotion of western ideals, forced the SPLM/A to shift its attention towards garnering pro-democracy western allies. This, in turn, forced the SPLM/A's decision-makers to convene a convention at Chukudum in 1994 to re-evaluate its policies and strategies, especially issues related to democracy and human rights that would appeal to Western states. Having realized the importance of legitimacy by this time, the SPLM/A also turned to its local support base. But the local support base required the leadership to refine its war goals. The SPLM/A leadership obliged by admitting that it had made mistakes and added to its objectives the rights to self-determination for Southern Sudan, Southern

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<sup>160</sup> Jones, B. D. 1999. "Bounded Rationality". *Annual Review of Political Science*. 2: pp.297-321

<sup>161</sup> Levy, pp.279-312

Kordofan, Southern Blue Nile and the District of Abyei.

Members of an organisation can, therefore, become a collective catalyst for change in themselves and members' initiatives, as part of sustained internal pressure, can bring about change. Such internal pressure could come in the form of a threat to defect from the organisation if changes are not instituted, as it was the case with the splinter group from the SPLM/A in 1991. Alternatively, change can occur by the removal of influential members who constitute an obstacle to such a process. In the SPLM/A's case, this occurred with the removal of its deputy leader, Kerubino Bol and of its fifth most senior leader, Arok Thon. Change can also come about under pressure from the local support base, as was the case at the Chukudum Convention in 1994 when 800 delegates forced the movement to institute changes in policies and objectives. We shall subsequently examine cases of change resulting from internal factors to determine whether or not they were really grounded in the learning process and brought about new learning once they had been introduced.

Most authors in the field, however, seem to feel that external factors are often a necessary condition for change.<sup>162</sup> In the case of the Second Sudanese Civil War, the threat of US action against Sudan in the light of its alleged links to Arab extremism can be viewed as a necessary external factor that convinced Sudan to negotiate with the SPLM/A. A military crisis is often a very effective catalyst of change in a liberation movement, but there is no guarantee that the changes will draw on learning or contribute to learning, for they may be no more than quick-

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<sup>162</sup> Van Brabant, K. (1997). Organisational and institutional learning in the humanitarian sector: Opening the Dialogue. Active Learning Network on Accountability and Performance in Humanitarian Action. London Overseas Development Institute, p.20

fix solutions in an atmosphere of crisis management. In the case of the SPLM/A, military crises as noted above, did contribute to learning as was demonstrated by the transformative measures undertaken at the Chukudum Convention in 1994 and in subsequent years. Other external pressures may, however, bring about more substantively informed and considered changes. Analysts such as Korwa Adar believe that the terrorist attack of September 11, 2001 forced Khartoum to acquiesce in demands from Washington, which exerted pressure to end the Second Civil War in Sudan.<sup>163</sup>

The overarching argument of this thesis is that the SPLM/A learned from the experiences of the Anyanya. In essence, what took place was an example of learning by doing. This thesis relies on the individual learning of Garang to explain the evolution of the SPLM/A. Garang demonstrated individual learning through his reflections from his time as a junior officer in the Anyanya. During the first civil war Anyanya was a fractured movement that did not have a clearly defined central command. Indeed, Anyanya was a loose coalition of regionally organised (by territory) fighting forces, whose alliance was based on the existence of a common enemy (Northern Sudan). As Douglas Johnson observes:

“Unlike the pattern of the old Anyanya in the early years of the first civil war, the SPLA by and large did not allow newly incorporated groups to run autonomous operations in their own territory”<sup>164</sup>

In order to ensure that the Second Civil War was fought with a unified command, Garang used force to pacify diverging opinions as to the purpose of the South

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<sup>163</sup> Adar, K. G, (2000), *Conflict Resolution in a Turbulent Region*, p.48

<sup>164</sup> Clapham, C. (1998) (edit) *African Guerrillas*, Oxford: James Currey. p.58

Sudanese resistance, the manner in which the war should be fought and the leadership structure for the southern resistance movement.

Aware of the diplomatic shortcomings of the Anyanya, Garang sought to develop an SPLM/A message that was palatable to the regional and international community. As Johnson notes:

“One of the old Anyanya’s greatest problems throughout the 1960s was the political isolation that it suffered as a result of its separatist goals. Its call for self determination for the South meant that it could not develop the tentative pro-federalist alliance which Southern politicians had begun with other regions of the Sudan prior to the military take-over of 1958; nor could it rally the support of the Sudan’s neighbours, which faced their own secessionist movements.”<sup>165</sup>

To counter this, Garang employed a more flexible approach of calling for a united New Sudan that would maintain the territorial integrity of Sudan, but usher in a new political dispensation in the country, whereby political power was not determined by ethnicity or religion. This approach greatly appealed to Ethiopia, which had been fighting the secessionist Eritrean Liberation Front (ELF) since 1961.

Garang was acutely aware of the shortcomings of the AAA. On the eve of the signing of the AAA, Garang penned an open letter to the leader of the Anyanya outlining his personal observations on the weaknesses of the Agreement. The

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<sup>165</sup> Ibid. p.56

letter saw Garang implore General Joseph Lagu to not accept the terms of the AAA, unless the Government of Sudan made fundamental concessions. These concessions ultimately served as the SPLM/A's guiding principles during the CPA negotiation period. Indeed, unlike the AAA, the CPA stipulated the importance of two separate armies during the transitional period; an explicit formula for wealth sharing and power-sharing; and the establishment of Joint Integrated Units (JIUs) as well as a number of other key concessions. By reflecting on the failure of the AAA, Garang put in place a number of safeguards that allowed for the success of the CPA and the eventual independence of South Sudan.

Dr John was keen to dispel the notion of the Second Sudanese Civil War being a Southern struggle. This was a view held by many quarters when discussing the First Sudanese Civil War, whereby the Anyanya was perceived as a Southern movement. Speaking during an SPLM/A radio broadcast after the overthrow of Sadiq El Mahdi in 1989, Garang highlighted that Bashir “must discard this perception of a Southern problem.”<sup>166</sup> One way in which Dr John dispelled this notion was through the SPLM/A's war strategy; in which it recruited widely throughout the Sudan (both North and South) and established military operation theatres as far south as the Equatoria region, as far west as Darfur and in the central areas of Nuba Mountain.

One can argue that the SPLM/A owes “a great deal to individual initiative” as

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<sup>166</sup> Wawa, Y. (2005), *Southern Sudanese Pursuits of Self-Determination: Documents in Political History*, Marianum Press, Uganda, p.367

opposed to organisational learning.<sup>167</sup> As already illustrated above, Garang's ideology was based on his experiences from his days in the Anyanya. Clapham observes that the success of guerrilla movements is dependent on the strength of their leaders. Indeed, when writing about guerrilla movements, Clapham states that they are:

“...organisations which owe a great deal to individual initiative: they are formed in opposition to established political structures, and allow their leaders a great deal of choice over how they be organised and how they should operate.”<sup>168</sup>

Based on the importance that the SPLM/A placed on Garang, it is difficult to argue that the SPLM/A, as an organisation, displayed organisational learning in its purest form. Indeed, Southerners “were fortunate to have an effective and charismatic leader” in Dr John Garang.<sup>169</sup> Nevertheless, by extension of Garang's reflections, the SPLM/A was able to evolve and display learning. At its inception in 1983, the SPLM/A moved away from the Southern traditional call for secession, and towards a notion of a unified secular ‘New Sudan’. However, through the SPLM/A's engagements with the Government of Sudan within the IGAD framework in the mid-1990s, the SPLM/A reconsidered its unified position and began to embrace the possibility of self-determination. As Deng Alor observed:

“Realities began to shift both internally and externally. Internally, voices from both the North and the South were concerned about the human and

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<sup>167</sup> Ibid. p.9

<sup>168</sup> Ibid. p.9

<sup>169</sup> Hauss, C. (2010) (2nd edition), International Conflict Resolution, George Mason University, p.189

economic cost of continuing the Second Civil War for the purpose of uniting Sudan, viewing separation instead as a practical option to end the war. Externally, countries within the region, particularly Eritrea, which had attained independence from Ethiopia in the early 1990s, were beginning to call for the possibility of Southern self-determination. Such calls from the African continent were echoed by the United States.”<sup>170</sup>

### Operationalizing Learning

In the existing literature on organisational learning, there seems to be little available on indicators of learning, although it does argue that a learning organisation would not repeat the same mistake twice and an improved capacity to anticipate change could be an indicator of learning.<sup>171</sup> However, in the unstable conflict environment, in which liberation movements operate, there are no regular standardized tests that could measure learning over time. Nevertheless, a set of changes in strategies and policies that the SPLM/A undertook points to a learning trajectory. Firstly, although founded by former members of the separatist Anyanya movement, the SPLM/A dropped the call for separation from Khartoum and adopted the revolutionary goal of fighting to change the governance system in Khartoum without changing the borders of the country, as described in Chapter One.

Secondly, one of the disadvantages the South faced during the Addis Ababa talks was the issue of technical competence. Having learned from this experience the

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<sup>170</sup> Kuol, D. A. (2016) Interviewed by Malual Ayom Dor, South Sudan, 8 March

<sup>171</sup> Mayne, J. (2008). Building an evaluative culture for effective evaluation and results management. Institutional learning and change initiative (ILAC). Working paper 8, p.9



SPLM/A formed specialized committees to handle issues of wealth sharing and power sharing during the CPA negotiation process. As a result, the SPLM/A did not merely focus on the ratio of ministerial positions for each party, but rather the importance of the ministerial portfolio involved. The SPLM/A thus demanded that it be allocated a share of key ministries such as defence, finance, interior, petroleum, cabinet affairs and foreign affairs. In Sudan, decisions are made in the Presidency and the SPLM/A, having learned from the failures of the Addis Ababa Agreement of 1972, demanded the incorporation of Southerners into decision-making at the Presidency itself. The SPLM/A's demand for the existence of an independent army in the South was born out of past experience as well. Fearing that the North could play Southern leaders off against one another, as it had done with Abel Alier and Joseph Lagu, the SPLM/A allowed only one person to hold the position of First Vice President of Sudan together with the position of the President of the Government of Southern Sudan.

### Constructivist and Rationalist Approaches to Learning

The underlying theoretical issue for the CPA negotiations was whether rationalist or constructivist analytical approaches provided the most appropriate models or whether some alternative approach would be more useful. Thus, since the disputants in the Sudanese conflict had initially defended their interests vigorously during the peace talks that had begun as early as the late 1980s, several commentators doubted that they would ever agree on a compromise. However, to the surprise of many, in 2002 the disputants began to comply with solutions proposed by the Intergovernmental Authority on Development (IGAD) – the regional body tasked with mediating an end to Sudanese conflict. This

compliance, apparently rationalist in nature, was therefore explained in terms of the coercion and the sanctions exerted on bargaining agents by regional and international organisations.<sup>172</sup> Whilst this may have been a relevant factor, it nonetheless provides an incomplete picture of the negotiating process because it denies the disputants' ownership of the negotiation process and thereby underestimates its complexity. In other words, the parties to the dispute were active participants in it, as well as being subject to externally-induced coercion and any explanation of the way in which a solution was eventually achieved must reflect this reality.

The broader constructivist literature hints at a very different compliance dynamic: social learning.<sup>173</sup> Here, learning and social interaction, rather than political pressure and individual choice, lead to agent compliance with normative prescriptions.<sup>174</sup> The processes involved are based on notions of complex or double-loop learning, drawn from cognitive and social psychology.<sup>175</sup> Learning leads the parties to embark on calculating future potentialities based on current benefits, for the parties will agree to settle only when, according to their calculations, a peace settlement would offer a potentially better alternative than the continuation of conflict. This was something that both the SPLM/A and the Sudanese government had to learn to do, not just in terms of rational decision-making but within the context of the socio-political environment in which they operated. While this approach has been applied to explaining the process of negotiations within the context of the European Commission with a degree of

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<sup>172</sup> Checkel, J. T. (2001). Why comply? pp.553-588

<sup>173</sup> Ibid

<sup>174</sup> Eising, R. (2002). Policy learning in embedded negotiations. pp.85-120

<sup>175</sup> Checkel, pp.553-588

success the same approach has never been applied to Sudanese peace negotiation processes as described above and this thesis seeks to undertake this task.<sup>176</sup>

The starting point for developing a theoretical approach to social interaction and learning is Haas's early work on international organisation, which explored the role of social interaction in bargaining agents' compliance choices.<sup>177</sup> He emphasized collective learning as the dynamic producing compliance, through a redefinition of interests that took place during the process of interaction itself. As Cherkel points out, the subsequent literature stresses that agents' compliance choices can only be fully understood by considering the social context and the non-instrumental interaction that occurs during negotiations.<sup>178</sup> In discussing the negotiating process in the European Union, he points out that successful outcomes arose not only from calculations of rational choice but, more importantly, from the ability of negotiating partners to internalize international norms and principles. In the Sudanese context, it was the latter process that enabled the SPLM/A to realize, unlike Anyanya before it, that simple demands for secession would be inadequate when the essential problem that had to be addressed was the nature of governance in Khartoum itself.

Quite apart from its knowledge of the past behaviour of its counterpart, the SPLM/A also had to have some sense of what would be the outcome of negotiations. In explaining the outcome of a negotiation, institutional analysis literature, and more specifically, liberal inter-governmentalist theory stresses that,

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<sup>176</sup> Eising, Policy learning. pp.85-120

<sup>177</sup> Haas, E. B. (1990). When knowledge is power. p.17

<sup>178</sup> Checkel. Why Comply? pp.553-588

“agreements are reached on the basis of bargaining power and mutual concessions in a given bargaining space.”<sup>179</sup> The extant literature on bargaining distinguishes between formal bargaining models versus models developed through institutional research. The former uses game theory to predict the bargaining outcome on the basis of plausible axioms. But this axiomatization is not comprehensive enough as it is strictly normative rather than explanatory. As Kochan and Wheeler note: “a second problem with many formal bargaining models is that they are normative, rather than descriptive or explanatory.”<sup>180</sup> Kochan and Wheeler argue that, instead of incorporating propositions that explain how negotiators act, the formal bargaining models simply predict how the parties ought to behave given certain assumptions about such factors as rationality, information and preferences, for example in the case of bargaining between a sample of city governments and locals of International Association of Fire Fighters (IAFF) the choice was between viewing the outcomes from the union, management, or public point of view. Also Ashenfelter, Johnson, and Pencavel used trade union growth and number of strikes as proxies for bargaining power in a study of aggregate wage outcomes in manufacturing.<sup>181</sup> Given these ambiguities, a new text exploring and reflecting upon primary theoretical perspectives is likely to emerge.<sup>182</sup> In other words, appropriate models can only be developed through an investigation of how institutions actually react in bargaining situations – through institutional analysis, in short.

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<sup>179</sup> Moravcsik, A., & Katzenstein, P. J. (1998). *The choice for Europe: social purpose and state power from Messina to Maastricht* (Vol. 1). Ithaca, NY: Cornell University Press. pp.156-179

<sup>180</sup> Kochan, T. A., & Wheeler, H. N. (1975). *Municipal Collective Bargaining: A Model and Analysis of Bargaining Outcomes*. *Industrial and Labor Relations Review*, pp.46-66

<sup>181</sup> Ashenfelter, O. C., Johnson, G. E., & Pencavel, J. H. (1972). *Trade Unions and the Rate of Change of Money Wages in United States manufacturing industry*. *The review of economic studies*, pp.27-54

<sup>182</sup> Held, D., & McGrew, A. G. (Eds.). (2007). *Globalization theory: Approaches and controversies* (Vol. 4). Cambridge: Polity. pp.120-125

In this study, we define bargaining power along the line of institutional analysis as an “...exogenously determined force, which affects positively the party’s ability to realize a gain over and above the disagreement outcome.”<sup>183</sup> Quantifying the distribution of bargaining power for each party in the Sudanese conflict presented no difficulty in terms of the military strength of each side. Throughout most of the two decades of the civil war in Sudan, the balance of military power was seasonally determined, with the SPLA having the upper hand during rainy seasons, for the government war machine became immobile as a result of the weather and was, thereby, confined to fortified towns.<sup>184</sup> The government, in short, eventually had no choice but to accept negotiations and the choice of the moment when that could be best done lay with the SPLA for it then enjoyed the dominant bargaining position.

However, although it enjoyed the dominant position over the timing as to when the negotiating process should start, this did not mean that it could predetermine its outcome.

Important components of a negotiation process, therefore, include searching for a mutually acceptable settlement for the disputants, a division of the fruits of cooperation - which is determined by the bargaining power of the parties - and ‘game- playing’ (the actual pattern of the process itself) which is governed by prescribed rules as determined by a mediator who must be accepted by both

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<sup>183</sup> Svejnar, J. (1986). Bargaining Power, Fear of Disagreement, and Wage Settlements: Theory and evidence from US industry. *Econometrica: Journal of the Econometric Society*, pp.1055-1078

<sup>184</sup> Zwier, P. J. (2013). *Principled negotiation and mediation in the international arena: talking with evil*. Cambridge University Press. p.29

parties as prerequisites for engaging in the negotiation enterprise. It is only once the parties have reached a common understanding of the ground rules that violence and bitterness can be overcome through negotiation. However, the process by which the parties arrive at a common understanding of the ground rules for negotiation is not sufficiently emphasized in the literature, which lays more emphasis on the division of the fruits of cooperation than on getting parties to cooperate. The importance of the latter issue is illustrated best by Eising in his discussion of the way in which negotiations occur within the European Union: “EU decision routines provide standardized mechanisms for resolving conflicts and facilitate policy learning by increasing the amount of information available about policy consequences. As a result of these learning processes, member states' basic policy preferences can change. Both the mechanisms of conflict resolution and the changes of preferences support a cooperative outcome, even though, in the end, member states' approval of an EU directive hinges greatly on their perceptions of its impact on their domestic settings.”<sup>185</sup>

Indeed, it is important for negotiators to *learn* the rules of negotiation and play by them because “...by inadvertently breaking an unwritten rule, he [the negotiator] may even terminate the negotiation altogether if the other party interprets his action as evidence of bad faith or an unwillingness to play the game fairly.”<sup>186</sup> This misinterpretation of behaviour can disrupt the process, delay settlement or even destroy any hope of reaching an agreement. In 2002, whilst peace talks were progressing quite well, the SPLA attacked and captured the southern town of

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<sup>185</sup> Eising, R. pp.87

<sup>186</sup> Cross, J. G. (1977). Negotiation as a Learning Process: Journal of Conflict Resolution, 21(4), pp.581-606

Torit from Khartoum. While this event could have been interpreted in the light of the general negotiating behaviour of the SPLA, in that it negotiated only when having the upper hand militarily, Khartoum withdrew from the talks in protest, accusing the SPLA of bad faith. Khartoum and the SPLA had engaged with one another in numerous unfruitful peace talks previously and should, thereby, have learned each other's negotiating behaviour, yet their imperfect understandings of each other's bargaining behaviour continued to prevail. This ran counter to what is predicted by the extant literature; namely that negotiators with long experience of one another can be expected to have *learned* a great deal about the other's bargaining strategies and to have used this knowledge in planning their own behaviour patterns.<sup>187</sup> Furthermore, most models of bargaining require that disputants engaged in negotiation must have full information about each other; something that does not exist in real situations. To bridge this gap in information acquisition about the real preferences of opponents, negotiators, in addition to using the help of a mediator or a third-party, engage in the negotiation process to *learn* about their opponents in order to arrive at "...bargaining strategies which will maximize the expected return to themselves."<sup>188</sup> It is therefore important for actors to determine and pursue strategies that accelerate learning. For instance, if the disputed issues in a negotiation are settled in sequential order, then the flow of information between negotiators is greatly increased, thereby allowing each party to gauge the expectations of the other with much more confidence than is possible if the only available information reflects early and undoubtedly exaggerated 'payoff' demands. Yet, here too there are pitfalls.

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<sup>187</sup> Ibid. p.592

<sup>188</sup> Ibid. pp.581-606

Thus, the case study in question - that of Sudan – shows that the process of determining the sequencing of issues could also delay a settlement. The talks between the SPLM/A and Khartoum broke down more than once because the two sides could not agree on whether the first issue to be discussed should be the status of religion in the country or self-determination for the Southern region.<sup>189</sup> It is nonetheless clear, however, that a certain ordering of issues maximizes the total value of the settlement for each party, even if determining the order poses additional problems. In the Sudanese case, the whole negotiation enterprise was eventually reduced to searching for a sequencing of disputed issues acceptable to both sides. As General Sumbeiywo, the chief mediator of the CPA recalls, “I used to get the parties to write papers on issues. Only after they had given me their extreme positions would I try to bring them closer together.”<sup>190</sup> Yet this can pose considerable difficulties when the number of issues involved is relatively large and not fixed, for more issues can be generated as the talks mature. In the Sudanese case, rather than viewing sequencing as a means for increasing the flow of information, the SPLM/A’s negotiators approached the negotiating table with a ‘lessons learned’ attitude, believing that the failure of the Addis Ababa Agreement had been rooted in the sequencing process. The most important issue, namely security arrangements was discussed towards the end of the actual negotiating process and was not, therefore, given sufficient time to be fully and effectively resolved. The SPLM/A reversed this and ensured that security matters were at the top of the agenda during the CPA negotiating process.

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<sup>189</sup> Sumbeiywo, L. (2013) Interviewed by Malual Ayom Dor, South Sudan, 16 April

<sup>190</sup> ACCORD, The mediator’s perspective: An interview with General Lazourous Sumbeiywo, (2006), p.27



## Social and Psychological Approaches to Learning

The question of how parties learn within a conflict environment presents a challenge to research into decision-makers' behaviour because the conflict environment can be highly dynamic whilst the information available to decision-makers may be imperfect. This can cause decision-makers to base their actions on past experience and on the rewards associated with it, as individual rationalism would suggest. We assume, however, that, in constructivist terms, strategic choices made by decision-makers are informed by rules that are formed and continuously adapted through a learning process, whilst engaged in and as a result of their interaction with the conflict environment. As Albert Bandura notes, new behavioural patterns can be acquired either through direct experience or by observing other people's behaviour.<sup>191</sup> Yet one of the dilemmas for a decision-maker with imperfect information is the choice between constructivist exploration and rationalist exploitation of current knowledge. This, in turn, becomes a question of deciding whether to settle now or to hang on until appropriate conditions emerge for negotiators. For a constructivist, the overthrow of Nimeiri in 1985 signalled that the right environment for peace to prevail in Sudan had emerged since he had been responsible for the Southerners' decision to return to war in 1983 as a result of his abrogation of the AAA. However, a rationalist would argue that the fall of Nimeiri, in itself, would not have addressed the root causes of the North-South conflict. He would therefore prefer to propose that the antagonists engage in in-depth dialogue for a lasting settlement in Sudan.

Thus, learning can become a tool for evaluating conflict developments by

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<sup>191</sup> Bandura, A. (1971) *Social Learning Theory*, New York: General Learning Press, p.3

decision-makers that may lead them to change their attitudes, beliefs, and even behaviour towards conflict resolution.<sup>192</sup> It establishes an interactive dynamic between the disputants' behaviours at the negotiating table as well as in their behaviours on the battlefield. This is an important insight, for the literature has generally made the erroneous assumption that disputants are similar in their understanding of and insight into the bargaining process and into one another's behaviour.<sup>193</sup> This is clearly too definitive an assumption as, for instance, in the North-South Sudanese conflict under consideration, the two sides in the conflict had notable differences in their learning capabilities about one another. Almost all of the decision-makers in the SPLA camp were either educated in or had worked in Khartoum and they possessed, as a result, a better understanding of their opponents than their opponents did of them! Indeed, learning involves a thorough reassessment of fundamental beliefs and values, something SPLM/A leaders were able to achieve but which the government of Sudan singularly failed to do.<sup>194</sup> Thus, in order for conflict management to be effective, the warring parties must learn to refine their goals in more realistic ways and to change their modes of thinking about the conflict, preferably by abandoning their faith in winning through military means and seeing, instead, peaceful means as the only effective solution – hence the fact that the Sudanese conflict ended through negotiation rather than military victory.

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<sup>192</sup> Bar-Simon Tov, Y. (1994). The Arab—Israeli Conflict: Learning Conflict Resolution. *Journal of Peace Research*, 31(1), pp.75-92

<sup>193</sup> Ibid

<sup>194</sup> Tetlock, P. (1991). 'Learning in U.S. and Soviet foreign policy: In search of an elusive concept,' in Breslauer, G. B. & Tetlock, P. E., *Learning in U.S. and Soviet foreign policy*. Boulder, CO: Westview Press; p.176

## Chapter Conclusion

As we have demonstrated the shortcomings of greed theory, identity theory and ripeness theory as independent and unique tools to analyse the Second Sudanese Civil War. However, by combining the three conflict resolution theories and supplementing them with learning theory we should be able to provide an effective explanation of the dynamic nature of Sudan's civil conflicts, which spanned a period of over fifty years, during which new issues emerged as a result of unforeseen developments or as a consequence of the failure of attempted peace settlements. The narrow focus of some theories such as the identity crisis theory of Francis Deng or the ethnicity theory popular in the Western media has a potential to restrict the scope of any analysis of a peace settlement. A proper explanation of the causes of the Sudanese conflict, in short, is bound to be multifaceted as we have sought to demonstrate. This, however, is only part of the story, for the conflict was also interrupted by peace agreements between the two sides, often mediated by actors in the international community. Yet this process has also been subject to inadequate interpretation in the literature, as well as to poor understanding of the nature of mediation and negotiation on the ground. Using social psychological and constructivist approaches to understand the role of learning in the Sudanese conflict, we seek to offer a new interpretation to the Sudanese conflict. The SPLM/A's reversal of the Anyanya's liberation goal of seceding from Sudan into fighting to structure the governance in a united Sudan between 1983 to 1994; its ultimate openness to pursue the goal of fighting for the rights to self-determination for the Southern region after it faced a split within its ranks in 1991 over the issues of liberation objective and leadership; its transformation from being a predominantly military movement into one

committed to governance as well; and its ultimate realisation that compromise at the negotiating table would have to replace confrontation on the battlefield are important learning processes arising from the Addis Ababa Agreement, which influenced the way in which the SPLM/A was to re-interpret its strained relations with Khartoum throughout the second civil war from 1983 to 2005. Nor was this a simple matter of individualistic rational choice on the part of the leadership when confronted with a coercive environment. It was, instead, the consequence of a learning process throughout the movement in which normative principle eventually determined acceptable outcomes, in that negotiated compromise was to be preferred over violent confrontation.

In the chapters that follow, I shall use the concept of ‘learning’ described above to demonstrate the ways in which the SPLM/A was able to develop techniques in resolving the Sudanese conflict that avoided the errors that had marked the negotiating process for the Addis Ababa Agreement in 1972. The learning process will be shown to have related to three different dimensions of the SPLM/A’s actions. Firstly, it had to develop tools through which to engage the Government of Sudan. Then it had to persuade its internal constituency of the viability of its approach. Finally, it had to co-opt support from the international community in the process of achieving a viable and permanent solution to the conflict in which it was engaged. All of these processes, as will be shown, were not merely the result of the rational choices that the movement made. More importantly, they reflected the way in which the SPLM/A’s own approach was grounded in its ability to learn through a process of interaction with its social and political environment and through its internalization of the normative principles that

informed it.

### Chapter 3: An Historical Analysis

This chapter provides an historical analysis of the period between 1821 and 2005, which, towards the end of this period, saw the Sudan embroiled in two successive civil wars. This chapter will also provide an analysis of the manner in which the SPLM/A organised itself to address the lessons learned from the shortcomings of the AAA which had brought the first civil war to a close but which had also ushered in the second. Furthermore, this chapter highlights the eventual realisation by the SPLM/A of the importance of embracing the popular Southern demand for cessation from Northern Sudan and for the creation of an independent South Sudanese state. Prior to this, the SPLM/A had advocated the creation of a ‘New Sudan’; a concept that hinged on the establishment of a unitary secular Sudanese state that guaranteed equality for all.

While recorded history as well as oral history (through vernacular songs, for instance) do speak of a ‘past’ that cannot be forgotten, the extent to which the awareness of such a past influenced the SPLM/A’s decision-makers who negotiated the Comprehensive Peace Agreement (CPA) in 2005 which brought the second civil war to an end is nevertheless striking. Perhaps this is not surprising for a movement whose objective was to correct the narrative of national history, as noted by Dr John Garang de Mabior in a Radio SPLA address when he said: “The history of the Sudanese people from time immemorial has been the struggle of the masses of the people against internal and external

oppression.”<sup>195</sup>

The history of Southern Sudan can be presented as colonialism under three separate types of rule: Turko-Egyptian (1821-1881), Anglo-Egyptian (1898-1956), and Northern Sudanese (1956-2005). The first two phases saw Egypt play a role in the administration of Sudan, whose land the waters of the River Nile traverse before reaching Egyptian territory. The final phase was essentially what could be termed ‘internal colonialism’ – where the Sudanese administrations had had ample opportunities to change the course of the governance system but failed to do so. In short, the Northern rulers who inherited power from the former colonial rulers after the declaration of Sudanese independence chose instead to merely fill the vacuum in leadership that had been left behind when the colonial administration ended. Everything else left by the colonial administration remained intact. Ultimately, the Southern region as well as other peripheral regions became marginalised and had little opportunity to engage in the country’s governance; thus making a bad situation inherited from colonialism worse.

### Turko-Egyptian Era (1821-1881)

Before the Turkish (Ottoman Empire) arrival in Sudan, hardly anything was known of the historical engagement between the Northern and the Southern regions. It was only after the Turko-Egyptian conquest of Sudan that the South came into direct contact with the North. Subsequently large parts of the Arab world, and what is known today as South Sudan, became part of the Egyptian Empire. However, the administration in the South, introduced by the Turko-

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<sup>195</sup> Dr John Garang’s speech on Radio SPLA on March 3rd 1984

Egyptian Condominium, was left unchallenged. The Nilotic tribes living along the South Sudanese frontiers, namely, the Dinka, Shilluk and Nuer, resisted the invading Turkish, Egyptian and Northern forces and frustrated efforts at establishing early strongholds in Southern Sudanese territory. As Isaiah Majok Dau notes, the strong resistance of nilotics “...whose territory extended to the location of the modern town of Dueim in northern Sudan, hampered this penetration for a long time.”<sup>196</sup> However, the Nilotic resistance could not prevent the invading forces from eventually establishing their authority in the South by forging an alliance with the Arab North to exploit the South.

The search for slaves, ivory and ostrich feathers in Southern Sudan by the Turks, Egyptians and the Arab Sudanese was underpinned by the economic realities faced by the Turko-Egyptian administrators and the Northern Sudanese during the period. Indeed, as Mark Nikkel states, “...With the Northern Sudanese economy already dependent on slavery, trade networks were established to meet Egypt’s urgent domestic, commercial and military needs.”<sup>197</sup> The slave trade was characterized by brutality towards the locals, but the racist attitudes behind their quest for resources created the sense of a hierarchy of slaves and slavers.<sup>198</sup> The concept of slavery thereby acquired new significance within the Sudanese context in that the Turko- Egyptian slave trade left behind a sense of superiority and inferiority within the population that still manifests its effects – even now – between the divided communities. It is this inferiority and superiority complex

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<sup>196</sup> Dau, I. M. (2003) *Suffering and God: A Theological Reflection on the War in Sudan*. Paulines Publications Africa, Nairobi, Kenya. p.26

<sup>197</sup> Nikkel, M. R. (2001) *Dinka Christianity: The Origins and Development of Christianity among the Dinka of Sudan with Special Reference to the Songs of Dinka Christians*. Paulines Publications Africa, Nairobi, Kenya. p.51

<sup>198</sup> Lo Liyong, T. “Nations, their Real Experiences and Symbolic Representations”, *The Pioneer Daily*, 23-29 July, 2011, Juba South Sudan



which was the root cause of the rift and eventually the conflict between the South and the North as the situation evolved beyond slavery into a crisis of identity.

However, the sad tragedy of Sudan's history arose not only from this human exploitation by foreign administrators but also from the fact that some of the participants in the exploitation of Sudan became the authors of its history. Colonial writers such as Sir Harold MacMichael seem to have believed that, without government intervention to undertake minimal reform, the 'masses' would have engaged in genocidal conflict.<sup>199</sup> Furthermore, Britain approached the question of Sudan with three goals in mind: firstly, to end the debilitating slave trade that had proved such a scourge to Southern populations; secondly, to curtail the growth of Islam in sub-Saharan Africa; and thirdly to control the River Nile, as was subsequently evidenced by Egypt's desire in the 1980s and 1990s to encourage the construction of the Jonglei Canal, a task that had been made easier by prior British action which had "concluded treaties with other colonial powers."<sup>200</sup> While it is widely recognized that there is a deep-seated suspicion between the two sides of Sudan engineered by the legacy of colonialism, colonial writers tend to blame it on every colonial regime other than their own. For instance the Briton, Charles Armine Willis, Governor of the Upper Nile Province in the late 1920s, noted in his diaries: "That the Southern Sudanese would be suspicious of strangers from the North is not unreasonable. They probably never will forget the slave raids and the slave trade."<sup>201</sup> Indeed, the sixty years of Turko-

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<sup>199</sup> MacMichael, H. A. (1922). *A History of the Arabs in the Sudan: And Some Account of the People who Preceded Them and of the Tribes Inhabiting Dārūr* (Vol. 2). Cambridge University Press .p.39

<sup>200</sup> Alier, A. (1991). *Southern Sudan, Too Many Agreements Dishonoured*. Reading. Ithaca Press, p.214

<sup>201</sup> Willis, C. A. (1931). "The Upper Nile Province Handbook: A Report of Peoples and Government in the Southern Sudan, in Daly, M.W. (1997). *Bulletin of the School of Oriental and African Studies*

Egyptian rule (1821-1881) in Sudan created strong Southern antipathy towards the North. However, although it is true that slavery did contribute to the conflict there were other historical injustices, some of which were inflicted upon the southern region, unknowingly or knowingly, by the British Government that also contributed to fuelling the North-South conflict. During British rule new institutions, and new elites, emerged in Sudanese societies in response to the particular needs of colonial administration.

### Anglo-Egyptian Sudan (1898-1956)

The Anglo-Egyptian Condominium rule in Sudan began as a result of the final British victory over the Mahdiyya in the Battle of Omdurman in the autumn of 1898.<sup>202</sup> Earlier, in 1885, the British, Belgians, Germans, French and Italians had concluded their agreements at the Berlin Conference, which defined future colonial spheres of influence in East Africa.<sup>203</sup> With these agreements Sudan became a full British colony to be known as the Anglo-Egyptian Condominium because of the nominal role of Egypt, then under British occupation. The Anglo-Egyptian invasion of Sudan after 1882 had two main strategic purposes. Firstly Britain sought control over Sudan to prevent the seizure of the Nile and the Sudanese Red Sea coast - on a major route to British India – by other European colonial and imperialist powers. Secondly, the aim was to stop slavery in Sudan. In line with this second objective Sir Samuel Baker, a British national, had been appointed Governor General of Equatoria Province in 1869. His mission was to eliminate the slave trade in Sudan and to restore order there, but this became

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<sup>202</sup> Kelger, J F V, "Omdurman, Fashoda and Franco-British Relations." In Spiers, E. M. (1998). Ed. Sudan: The Re-Conquest Re-Appraised. London. Routledge, p.11

<sup>203</sup> Ibid. p.163

almost impossible to accomplish because of the militant resistance of the local Arab Northern Sudanese slave traders; in particular, Zubeir Rahma and his son Seliman.<sup>204</sup> Zubeir had attacked Anglo-Egyptian forces and driven them away with heavy losses. In 1874, General Charles George Gordon, another British national, succeeded Baker in order to continue with his frustrated mission. Zubeir Wad el Rahma Mansour, another Northern Sudanese slave trader, had already established himself as a power in the land several years before Gordon's appointment but, despite Zubeir's hostile attitude towards his anti-slavery forces, Gordon proceeded sharply to reduce the slave trade. He was unable to end it completely because of the continuous resistance he encountered from the Arab Northern Sudanese slave traders such as Zubeir and, after a long struggle, Gordon was forced to introduce an appeasement policy. He entered the service of the Khedive in 1873 (with British government approval) and later became the Governor-General of the Sudan, where he did much to suppress revolts and the slave trade. Exhausted, he resigned and returned to Great Britain in 1880; but in December 1883 he was called back to Sudan to take up the post of the Governor General once again, following the Mahadist revolt. Unfortunately he was unable to contain the revolt in order to evacuate the garrison and he was eventually killed in Khartoum on 26th January 1885.

Implicit in British anti-slavery policy was an assumption that Northern and Southern Sudan were, in practice, quite different and referred to the areas inhabited by the Arabs and Africans respectively. It is a geographic and ethnic division that has generated constant debate inside Sudan itself. Mansour Khalid,

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<sup>204</sup> MacMichael, H. A. (1922). *A History of the Arabs in the Sudan: And Some Account of the People who preceded them and of the Tribes Inhabiting Darfur* (Vol. 2). Cambridge University Press., 2011.p.39

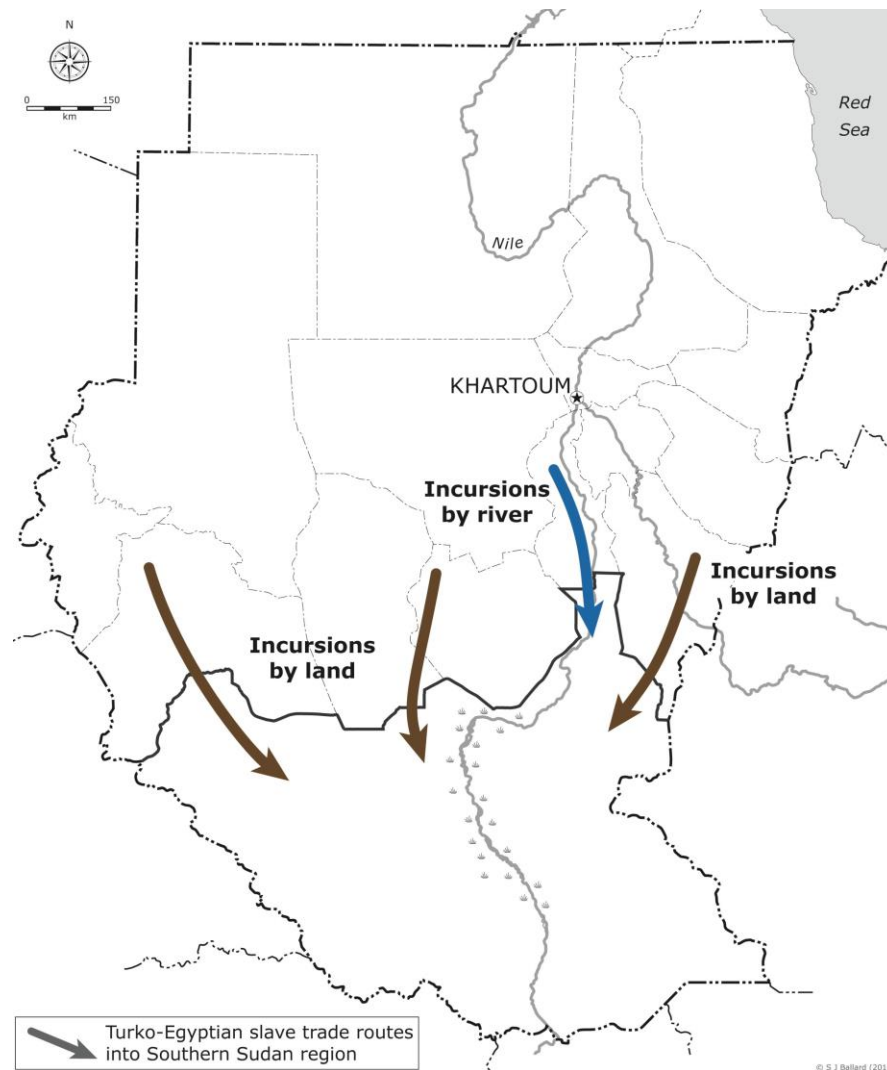
for example, suggests that Sudan is not racially or culturally divided into clear-cut Northern Arab and Southern African factions.<sup>205</sup> His argument is based on a population census conducted in 1956, which revealed that there were over 600 tribes throughout the country, often intermixed and showing mixed ethnic origins. In ethnic terms, the census determined that Sudanese of Arab origins formed 39% of the total population and those of African origin provided the balance of 61%. Chaudhri, (1975) concluded that it was not until Anglo-Egyptian Condominium rule was established in Sudan that the South began to evolve as a separate political entity from the North.<sup>206</sup> Slavery was outlawed, an initiative that was reluctantly accepted, but the prevention of further expansion of Islamisation and Arabisation did not go unchallenged, for these isolation policies posed a threat to religious and nationalist leaders, such as Abdel Rahman El Mahdi and Ali El Mirghani. They had increased their religious and political influence in West, East and Central Sudan by then and saw no reason why this should not be done in the South as well. Whilst intended to protect the South from the North, the policies of isolation encouraged unequal development between the two parts of the country in all aspects of daily life.

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<sup>205</sup> Ministry of Foreign Affairs (1973). "Peace and Unity in Sudan; An African Achievement". University of Khartoum Press, p.14

<sup>206</sup> Chaudhri, M. A. (1975). "Foreign policy of Sudan under President Nimeiri". Pakistan Horizon, pp.19-52

**Figure 2: Turko-Egyptian Slave-Trade Routes**



*Figure 2 illustrates routes into the Southern Sudanese territory utilised by the Turko-Egyptian Administration between 1821-1881.<sup>207</sup>*

In the run-up to Independence, the British colonial administration introduced a Sudanization policy culminating in the handing over of power to the Northern elites, who would fail to manage the socio-economic diversity British policy had

<sup>207</sup> Map drawn to the author's specification by Mr. Sebastian Ballard in Hampshire, England in April, 2016

created<sup>208</sup> and forced the North and the South into a single political unit – Sudan. This change of policy was introduced in order to prepare Sudan for Independence. The British colonial administration supported nascent Sudanese aspirations for independence in the hope of gaining the allegiance of the growing professional class of Northern Arabs and of forestalling a union between Egypt and Sudan that would have threatened British interests in the region.

Southern politicians, who were initially opposed to the idea of independence for Sudan under a unitary state system, later relented because of promises made to them as part of the price for supporting the independence package: promotion of Southern cultures; acceleration of education and economic development; equality of citizens, and above all, federalism as the system of governance. It was a massive, impressive and attractive package that the South would never want to lose. The motion for independence in which the measures were enshrined became a binding law when unanimously voted for by all the members of the Parliament.

In the years following Independence, the federal pledge proved elusive for it turned out not to have been a genuine commitment by the central government. Instead it appeared to have been a ploy to postpone a crisis – the difficulty of passing a declaration of independence without the needed support of the South.

### Post-Independent Crisis of Political Structure

Quite apart from the specific issue of federalism the gravest Southerners' grievances were by-products of Islamic cultural assimilation policies adopted by

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<sup>208</sup> Sudan Ministry of Foreign Affairs. Peace and Unity. p.3

successive post-independence governments in Sudan, which failed to acknowledge the diverse nature of the country. Arab Muslims dominated the North and Africans who, in their majority, were not Muslim, populated the South and, for historical reasons linked to slavery, these distinctions were expressed through Northern attitudes of racial superiority, in which non-Muslims and non-Arabs were viewed as inferior citizens. Shortly after independence, the new prime minister of Sudan, Isma'il al Azahari, abandoned the promise of creating a federal state. He mobilized Northern members in Parliament, who constituted the majority, to vote against federalism when they came to approve the country's new constitution.

The Southern Sudanese presence in the parliament declined after independence because Southern politicians would often boycott elections since the central government failed to adhere to its previous commitments on Southern affairs. As seen above, the fears of the Southern Sudanese elites, first raised when the declaration of independence was tabled for debate in 1955, eventually materialized. The lesson learned by Southern Sudanese politicians was unmistakable: 'The central government cannot be trusted' and this deep distrust shaped the nature of the many subsequent peace negotiations between the two sides. In 1958, for example, members of the Northern Sudanese sectarian parties in the redrafted Constitution Committee and in the Constitutional Assembly were mandated to consider the federal proposal. They drafted instead a constitution for an Arab Islamic State, and the Southern calls for a federal system of government were consequently excluded.<sup>209</sup>

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<sup>209</sup> Aleng, E. M. (2009). *The Southern Sudan: Struggle for Liberty*. Kenway Publications. p.7

By the end of 1958 Southerners who were still advocating for federalism were either jailed or exiled.<sup>210</sup> With Southerners demanding for the federation of the country and the North fighting for a unitary system, the independent country was to be born in constitutional crisis over the definition of the State. Shaddad, for his part, views the North-South Sudan crisis to be a 'crisis of political structure' that followed Independence.<sup>211</sup> In 1958 General Ibrahim Abboud led a bloodless military coup, ousting the government of Prime Minister Isma'il al-Azhari. As soon as he took power, General Abboud dissolved Parliament and prohibited political activity. Southern hopes for federalism were frustrated and the situation turned into one of confrontation. Abboud's authoritarianism forced many Southern politicians into exile, where they began to plan resistance to the new dictatorship.

### The Anyanya Movement and the First Sudanese Civil War

In 1962, the Sudan African National Union (SANU), the Southern party led by William Deng, set up its offices in Uganda in order to coordinate its political activities. Organised, as opposed to sporadic, military resistance to Northern troops only really began in the South in 1962, a process symbolized by the guerrillas' successful capture in September 1963 of an army post at Pochalla after a three-day battle. The new guerrilla organisation was called the Anyanya, which took up arms with the aim of achieving the total liberation of Southern Sudan. One of its leaders was Colonel Joseph Lagu, an officer who graduated from the

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<sup>210</sup> Alier, A. (1992). *Southern Sudan: Too Many Agreements Dishonoured*. Ithaca Press, p.23

<sup>211</sup> Shadad, M. Z. in Deng, F. M., & Gifford, P. (Eds.). (1987). *The Search for Peace and Unity in the Sudan*. Woodrow Wilson Center Press. pp.8-11



Sudanese Military College and later joined the Anyanya movement in the bush in Equatoria Province<sup>205</sup> and started to organise them into a force which could systematically harass Northern security forces in the South. The Anyanya movement grew in numerical strength and attacks continued to increase, although the development of the campaign was handicapped by external indifference to the regional struggle in Sudan and a consequent lack of arms and resources, a problem that was partially solved in 1965 by the acquisition of arms from the defeated 'Simba' rebels in the neighbouring Congo (Zaire) and later, in 1969, by the Israelis who offered to supply arms and to train officers through Uganda. This latter development materially assisted Lagu in drawing together various groups within the Southern resistance and thereby eased the problem of a lack of consolidated leadership and organisation, which had bedevilled the Anyanya forces up to then.

The vigour with which the Khartoum government pursued the military aspects of the conflict varied with the regime in power at the time. The Abboud regime pursued a policy of sustained repression of Southern leaders and politicians. By 1964 all Christian missionaries operating in the South had been expelled, leaving an educational vacuum there. As if this was not enough, Abboud moved to target Southern intellectuals and the village infrastructure in the South as well. Indiscriminate arrests, torture and killing of intellectuals became the daily activity of the army, as did the destruction of villages. The Government's inability to control the behaviour of the military led to massacres in Bor, Yei, Maridi, Wau, Kodok and elsewhere in the South.<sup>212</sup> Those massacred in Bor included the

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<sup>212</sup> Alier, p.23

Paramount Chief of Greater Bor, Ajang Duot Bior, the Anyidi Court President, Chief Alier Leek Agoot and the Executive Chief of Anyidi, Ayom Dor Yor.<sup>213</sup> As Ambrose Riiny Thiik narrates, “I recall an incident in my home town of Wau during the 1960s where Government troops stormed a wedding that I was attending and began shooting at civilians indiscriminately.”<sup>214</sup> Such repressive activities increased opposition to the Government and forced many more Southern Sudanese into exile – mainly to the East African countries of Uganda and Kenya. The situation worsened and civil strife intensified.<sup>215</sup>

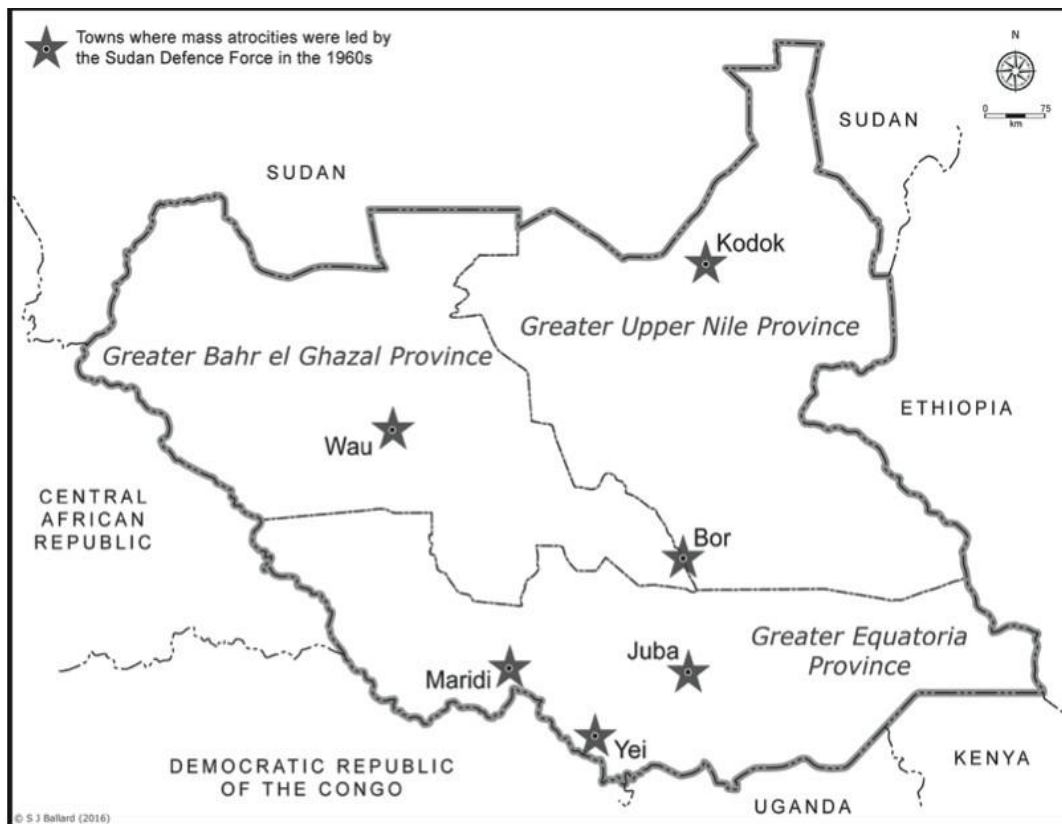
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<sup>213</sup> Chief Ayom Dor was the Father of the Author.

<sup>214</sup> Thiik, A. R (2016) Interviewed by Malual Ayom Dor, South Sudan, 18 February

<sup>215</sup> Lagu, J. (2006). Sudan: Odyssey Through a State: from Ruin to Hope. MOB Center for Sudanese Studies, Omdurman Ahlia University. p.12

**Figure 3: Areas Where Government-led Atrocities Against Southern Sudanese Occurred**



*Figure 3 illustrates areas where atrocities were committed by the Sudan army against the people of Southern Sudan.<sup>216</sup>*

After the Abboud regime was forced to step down in 1964, the democratic process was restored in time for the 1965 elections, in which William Deng's SANU participated and won ten seats in the South. After the elections a coalition government comprising the Umma Party<sup>210</sup> and the National Unionist Party (NUP)<sup>217</sup> was formed. Mohammed Ahmed Mahgoub, a representative of the

<sup>216</sup> Map drawn to the author's specification by Mr. Sebastian Ballard in Hampshire, England in April, 2016

<sup>217</sup> The competition between the Azharī-Khatmiyyah faction – remodeled in 1951 as the National

Umma party was elected Prime Minister. During this period the Northern-dominated parliament passed a resolution authorising the coalition government to restore law-and-order in Southern Sudan. This was tantamount to condoning any action taken by the security forces to fulfil that goal. It was a direct challenge to the South and, as a result, effectively led to a declaration of war not just against the Southern Anyanya rebels but also against all Southerners. The civil war continued unabated and the sustained fighting negatively impacted the army's morale, a factor that was compounded by Sudan's economic decline during the period. The subsequent government of Sadiq al Mahdi pursued a similar policy towards the Southern problem when it came to power in 1966.

By 1969, the Sudanese desire for change had reached its peak. The Umma Party and the NUP in the coalition government were preoccupied with their own internal problems, and personal rivalries replaced political vision. The Government paid no heed to the rising human and material costs of the North-South conflict. At midnight on 25 May 1969, a group of mid-level officers staged a surprise, bloodless coup under the leadership of Colonel Jaafar Muhammad Nimeiri, who was inspired by Gamal Abd al-Nasser's pan-Arab socialist revolution. Economic realities compounded by the First Sudanese Civil War created a conducive environment for a change in government. Nimeiri was therefore able to secure the support of the masses immediately following the announcement of the coup.

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Unionist Party (NUP)—and the Umma Mahdist group quickly rekindled old suspicions and deep-seated hatreds that soured Sudanese politics for years and eventually strangled parliamentary elections. In 1952 Ismail al Azhari was made president of the National Unionist Party (NUP), which won an overwhelming victory in the elections of 1953. Al- Azharī became the first Sudanese prime minister in January 1954. The Unionist Party advocated Sudan-Egypt union. However it became clear to al-Azhari that union with Egypt could be achieved only at the risk of a civil war, given the anti-union opposition in the Sudan.

The hardships of the First Sudanese War led to a shift in Northern attitudes from supporting a military solution to exploring a peaceful settlement. This call for a peaceful solution pressurized Nimeiri's government into seeking dialogue with the Southern rebels. Although there were internal differences within the new regime over policy towards the South, the military government in June 1969 recognized that historic differences did indeed exist between the North and South of Sudan, and put forward a proposal that the South should be granted some unspecified degree of local autonomy. This was to be realized as a result of the 1972 AAA.

The Anyanya fighters and Southern politicians, on the other hand, had failed to forge viable political organisations in the South because most of them possessed limited leadership abilities and a narrow vision unable to define, let alone articulate, a future that would unify the South against the North. This inability of the Southern leaders to form a unified political movement to represent the Southern aspirations, goals, and tactics contributed to the longevity of the conflict because it bedevilled Northern efforts both to produce a coherent policy towards the Southern problem and to find a representative body with which to negotiate. The only progress recorded in this respect occurred when Joseph Lagu took over control of both armed and political wings of the Southern resistance, as represented by the Anyanya and the South Sudanese Liberation Movement (SSLM) respectively.

One of the most interesting examples of twentieth century international conflict

management was the process which led to the signing of a peace agreement at Addis Ababa in February 1972 between representatives of the Sudanese Government and the South Sudanese Liberation Movement (SSLM) led by General Joseph Lagu, itself representing an amalgamation of smaller secessionist and guerrilla movements from Southern Sudan's three most southern provinces. The Agreement brought to a halt the civil war between Arab Northerners and African Southerners. It established a considerable degree of regional autonomy for the South. The Agreement also made arrangements for a ceasefire and a subsequent integration of the military wing of the SSLM (the Anyanya) into the Peoples' Armed Forces (PAF) of the Sudan.

In a separate initiative, General Lagu had written to the Israeli premier, Levi Eshkol, proposing that Anyanya should open a second front in Southern Sudan against the Arabs in return for arms from Israel. The General's overtures were well received in Israel; and he was invited to visit Tel Aviv whilst Israel began to deliver weapons to Anyanya's bases via Uganda and Ethiopia. Indeed, the determining factor in resolving the internal wrangling in the South in favor of General Lagu was this support from the Israelis. However, such heavy reliance on foreign support was to prove problematic for Lagu's foreign backers, who realized the economic hazards of a sustained armed conflict and eventually pressured Lagu into signing a hastily negotiated agreement.

Direct international military support to Anyanya predominantly came from Israel, particularly after 1969, in the form of supplying arms for the struggle. Israel's choice of Lagu's faction as the main conduit for these arms did much to help his

group become dominant within the Southern forces. The objectives of the Israelis appear straightforward: their support to the Anyanya was both a part of their attempt to undermine or divert potential members of an Arab or Islamic anti-Israeli bloc and of their drive to win friends and influence in sub-Saharan Africa. While never substantial, Israeli aid was undoubtedly an important factor in the Southerners' ability to continue the fight.

### The Making of the Addis Ababa Agreement

In general, post-independent governments have prioritised the rights of those at the centre of the state at the expense of those at the peripheries. The reaction from Southern Sudan has generally been to violently resist such policies despite the fact that Khartoum-based regimes have resolutely dealt with such resistance piecemeal by using divide-and-rule tactics adopted from colonial practice. In 1972 however, in what could be seen as a change of policy from repression to conciliation, after 17 years of brutal war that had claimed the lives of approximately 500,000 people with over a million people displaced from their homes.<sup>218</sup> The government of Sudan and the SSLM – the political wing of the Anyanya movement – decided to negotiate an end to the conflict. The Agreement was negotiated with mediation from Emperor Haile Selassie of Ethiopia, the World Council of Churches and the All-African Council of Churches.<sup>219</sup> The process began in August 1970 with informal contacts between representatives of the two sides based in London: Abdin Ismail, the Sudan Government's

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<sup>218</sup> The lack of proper records on losses of the first civil war - the SSLM/ Anyanya war - has always led to the numbers reported fluctuating with some suggesting death tolls at a million while others suggested half a million.

<sup>219</sup> The Ministry of Foreign Affairs (1973), *Peace and Unity in the Sudan*, Sudan: University of Khartoum Press, p.14

Ambassador in London, and Mading de Garang, the Anyanya representative there.<sup>220</sup> A further meeting followed that brought Joseph Garang, Sudan's Minister for Southern Affairs together with Mading de Garang. Both Joseph Garang and Mading de Garang hailed from the Southern region but were unrelated as they came from Jurchol (Luo) and Dinka tribes respectively. Having Southerners on both sides of the negotiating table would become Khartoum's favourite negotiating tactic, which played directly into local politics in the South. By doing this Khartoum extended its policy of dividing the enemy and setting each side against the other, a technique, which Khartoum had deployed on the battlefield and the negotiating table. On this occasion, because it had not given up on outright military victory over the Southern rebels, Khartoum frustrated the peace initiative so that peace was delayed while conflict continued for another two years until 1972.

Nonetheless, these contacts still had significance. Anyanya used them to assess the Government's real interest in peace and also to find out what the Government was actually prepared to offer them. Besides, Anyanya was able to establish whether the Government was tricking them into a surrender deal, which may backfire, as had been the case for Southern Sudanese in 1955. Indeed, in 1955, following the Torit Mutiny, a political deal was reached which required the Southern mutineers to surrender to the Government in return for amnesty. The

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<sup>220</sup> Initial contacts between the Khartoum Government and the SSLM's representative in London began as early as August 1970, originally under the auspices of the Movement for Colonial Freedom (MCF). By January 1971, Colonel Lagu's and the SSLM's decision to accept some settlement "...within the framework of one Sudan..." had been communicated to Khartoum, although the nature of this offer did not become generally known in government circles until April, shortly before the attempted anti-Nimeiri coup by the SCP. In May a WCCIAACC delegation had agreed with members of the Khartoum Government that it would try to contact southern leaders with a view to arranging formal negotiations, and when the delegation returned to Khartoum in October 1971 it was able to report that southern leaders were prepared to agree.



mutineers responded to the call only to find that those who did so were persecuted and either sentenced to death or to life imprisonment. Not surprisingly therefore, the experience of the Torit Mutiny became a factor of profound distrust towards peace agreements proposed by the Sudanese government.

It should be recalled that the South had asked for federalism as a pre-condition for its support of the declaration of Independence. The North had promised this as well as other safeguards that the South had requested but nothing had materialized and Southern complaints were ignored after Independence had been achieved with Southern support. The South had soon learned that, without an army of its own, it could not guarantee the implementation of any peace deal. As a result, at the Addis Ababa meeting, the SSLM insisted upon a separate army, commanded by Southern officers. The government delegation absolutely opposed any such force, fearing that its formation would be the first step towards separation.

On the government side, the contacts were intended to sell its suggested special arrangement for the South in the form of regional autonomy within a single Sudan. It was also a way of determining the general views of Anyanya on the issue of unity for the country since Anyanya's objective had been to establish an independent Southern Sudanese state. It also served as a way of gathering intelligence that the government lacked on the political and military strength of Anyanya. More importantly these secret contacts were a useful way for the government to find out whether exiled Southern groups were organised under a definable single common leadership with which it could negotiate, or whether it would have to negotiate with different political groups. Additionally the

government used these contacts to study the general trends in Anyanya's political and ideological orientation, since Sudan by then was a contested region between communists and democratic forces.<sup>221</sup>

The historic negotiations leading to the AAA opened on February 16, 1972 in the Addis Ababa Hilton Hotel and ended eleven days later. In short, a conflict that had spanned a period of 17 years was brought to a halt by negotiations that lasted barely two weeks. Such urgency meant that important and contentious issues were glossed over and the whole agreement was reduced to "...a series of compromises designed to give sufficient regional powers to appease the South while creating enough ties to bind the region into Sudan as a whole."<sup>222</sup> At the start of the peace process Southerners demanded a federal state with a separate Southern government and an army that would operate under the federal government's command only in response to an external threat to Sudan. The Government of Sudan however was not willing to accord this much authority to the South. The talks deadlocked on February 19, 1972 over this contentious security issue, a development, which starkly revealed the deep distrust existing between the Northern and Southern Sudanese.

The terms of the Agreement proposed by the North were a single national (central) government with a great deal of local autonomy for the South, including an elected Southern Regional Assembly and a High Executive Council appointed by the President, whose leader would run the region and be the Second-Vice

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<sup>221</sup> In July 1971, when Nimeiri was returned to power after a short lived coup supported by the Communist Party, he severed all the connections with the socialist countries and rushed headlong to embrace the West and the prospects held out by its free market economy philosophy.

<sup>222</sup> Woodward, P. (1990). Sudan, 1898-1989: The UnStable State. Lynne Rienner, p.143

President of the country. The Agreement stated that all the natural resources would belong to the central government. It made arrangements for Southerners to have continued representation in central government institutions in Khartoum, and established terms for economic assistance from the North to the traditionally underdeveloped South. The Agreement also made arrangements for a ceasefire and the subsequent integration of the military wing of the SSLM (Anyanya) into the People's Armed Forces of the Sudan.

### Internal Perceptions of the Addis Ababa Agreement

The Addis Ababa Agreement (AAA) was ratified on 3 March 1972 and succeeded in halting the sound of guns in the South's jungles for a decade. However, as far as addressing Southern grievances were concerned it only scratched the surface of the problem and many Southerners never accepted it in the first place. Notable sceptics included Captain John Garang de Mabior, then already a member of the Anyanya movement. Lieutenant General Gier Chuang noted that the AAA was an agreement imposed on Anyanya as a result of weaknesses within its organisation, including limited external support.<sup>223</sup> The lack of a strong organisational structure had prevented the Anyanya movement from mobilizing a sufficiently large force to mount high-intensity warfare during the 1960s. Yet there were good reasons for both sides to reach a settlement. Khartoum did not want to continue bearing the additional and destructive costs of open conflict, while Anyanya feared suffering from restricted capacity because it had to face the risky outcome of battle for which it had limited external military support. The Israelis had provided some military support in the late 1960s, including training a small number of

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<sup>223</sup> Chuang, G. (2013) Interviewed by Malual Ayom Dor, South Sudan, 12 June

Anyanya officers, but the Anyanya had no ‘springboard’ – a base from which to launch attacks – because African leaders were not ready to fight the Arabs of the North of Sudan, given the general understanding of the conflict in Sudan as a war between Arabs and Africans. The Khartoum government learned of the shortcomings haunting the Anyanya movement and adjusted its conflict strategy accordingly, switching from war to peace whenever the latter would be considered to provide it with a swift victory, rather than an agreement marked by compromise. This in turn influenced other regional governments, especially that of Ethiopia, to encourage the signature of an Agreement on its own terms. In his 1987 interview with the Heritage Foundation, Dr John Garang de Mabior supported this position by concluding that:

“We calculated that the clique in Khartoum would erode the government in Juba because its objective in the Agreement was first to absorb the Anyanya into the National Army, second to integrate it after absorption and third to destroy it. So you have the process of achieving a cheap victory over the Anyanya forces.”<sup>224</sup>

There was no room for friends of the South to put their support unequivocally behind Anyanya because it lacked a convincing goal. Separation as an independent state, which was the Anyanya’s sole objective, could not be openly advocated in the external environment that existed at the time.<sup>225</sup> There was an agreement amongst African states that the borders that existed during the colonial period should be maintained: a sentiment that was well captured in the OAU

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<sup>224</sup> Dr John Garang, (SPLM/A leader) Interview with Arop Madut, "Colonel Dr John Garang Speaks To Heritage On War and Peace in the Sudan, Nov. 2, 1987.

<sup>225</sup> The OAU Cairo Agreement 17-21 July 1964 formally supported the Addis Ababa Declaration of Principle of acceptance of the frontiers left by the colonial administrations – the principle of respect for the territorial integrity of African states.

Charter, which committed the signatory governments to safeguard the “territorial integrity of our states.”<sup>226</sup> Southern Sudanese who supported the AAA did so with a view that any agreement would be better than no agreement at all, whilst others like John Garang de Mabior maintained that war was better than a bad peace, a view he expressed in his letter dated January 24<sup>th</sup> 1972 to General Joseph Lagu, where he stated that “The Anyanya and Southern Sudanese people are capable and ready to fight on for another nine years or more if no acceptable solution is found.”<sup>227</sup> On Anyanya’s part, the rebels accepted the AAA simply because they had no better alternative, given that there was a possibility that they could be defeated militarily. The leadership hoped to use the opportunity to reintegrate into Sudan and participate in the governance of the country. There it would plan to reorganise and return to the bush to fight again at a time of strength. The Government on the other hand believed that it would reintegrate Anya- Nya and deal with the Movement at close range, dismantling it from within (OAU, 1964).<sup>228</sup>

The main weakness of the AAA was the lack of any international guarantee. The short interval of less than two weeks in which the negotiations leading to it were undertaken did not allow for a careful analysis of its proposed content. The rebels’ worries were rooted solely in fears of what would become of them if they did not sign and they did not fully appreciate that signing a flawed settlement could also be dangerous. The Agreement only lasted a decade because the

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<sup>226</sup> Charter of the Organisation of African Unity, signed 25 May, 1963 accessed at [http://www.au.int/en/sites/default/files/treaties/7759-sl-oau\\_charter\\_1963\\_0.pdf](http://www.au.int/en/sites/default/files/treaties/7759-sl-oau_charter_1963_0.pdf)

<sup>227</sup> Captain John Garang de Mabior’s letter to Joseph Lagu, the Anyanya Commander in Chief, 24 January, 1972

<sup>228</sup> Chuang, G. (2013) Interviewed by Malual Ayom Dor, South Sudan, 12 June

Southern Sudanese were weakened militarily due to the absorption of Southern troops to the predominantly Northern army. Moreover, the Southerners also lacked a forum in which to raise their concerns due to an under-representation of Southerners in the central government and the National Assembly and the lack of a legal mechanism through which Southerners could voice their grievances. In addition, in the post-agreement period, the Sudanese political environment became anarchic in the sense that there was no arbiter to appeal to – each side was on its own. Indeed, this was what the Khartoum had counted on when it signed its deal with the Southern rebels.

### Abrogating the Addis Ababa Agreement

Nimeiri's regime faced uncompromising political opposition from all the political factions in Northern Sudan and he therefore sought to strengthen his political power base by cutting a deal with the South.<sup>229</sup> Bringing the Southern rebels back into the purview of the Khartoum government would have allowed Nimeiri to direct all his efforts to dealing with his enemies within the regime, as the rebels in the South would no longer have posed a security threat and resources which were to be used to fight Anyanya could then be directed towards other developmental projects to save the collapsing Sudanese economy. Nimeiri, however, miscalculated on two counts. First, South Sudanese support did not carry much political weight because the entire Southern region had played a very minimal role in the governance of the country, given the historical injustices in terms of access created by colonial powers. For instance, despite representing a third of the population of the country, the Southern presence in any pre-AAA government and

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<sup>229</sup> Shaddad, M. (1987). Some Recent Trends. In Deng, FM. The Search for Peace and Unity in the Sudan, Wilson Center Press, Washington, DC, 35. p.29

in the armed forces was negligible. Second, the AAA promised to accommodate ‘traditional outsiders’- as Southerners were considered by Northern Sudanese to be – a proposal, which increased Nimeiri’s enemies in the North.

The AAA had halted a seventeen-year-old conflict through less than two weeks of negotiations – a process that was so rushed that the negotiators inevitably glossed over some of the most contentious issues. These defects in the Agreement soon appeared when it was implemented and were eventually to negate its utility in creating the conditions for major economic development because it failed to provide the necessary security to the state. The most contentious articles in the Agreement concerned security arrangements, which at one point during the negotiations had caused a deadlock and would eventually cause the whole Agreement to fail. It was to be an experience that, for the South, would have all the qualities of a nightmare, an experience that Southerners would be careful to never repeat in subsequent diplomatic engagements with successive central Sudanese governments after Nimeiri had left the political scene.

But there were also problems for the North. For instance, it had been agreed that Southerners who had been fighting in the bush would be integrated into the police, the prison service and the army but the degree of disquiet that this would cause Northerners, particularly the issue of integration into the army, had been sorely misjudged. Prior to the Agreement, the representation of the Southerners in the national army had been negligible and this apparent discrimination was one of the Southerners’ grievances, which had encouraged separatist attitudes. Although the Agreement would overcome this particular problem it excited, instead,

Northern anxieties because Northerners viewed Anyanya fighters as bandits and terrorists, for whom there was no room in the armed forces. The problem was that the Agreement had been foisted upon Northern sentiment by the determination of the President and did not emanate from a genuine desire to resolve the conflict through genuine collective compromise. Northern extremists would accept the provisions of the accord that were beneficial to them while those that threatened their interests were rejected outright.

Nonetheless, by signing the AAA, President Nimeiri believed that he had successfully resolved Southern grievances. He felt that conditions were now ripe to tackle the long unsettled question of a permanent constitution to replace the temporary post- independence constitution, and a first draft was tabled for debate. The two central issues that generated the greatest heat were issues of identity and religion in Sudan, for they had been resolved to the dissatisfaction of many in the North because the religious dimension of the State had been suppressed in the draft. The final draft described Sudan as a unitary, democratic, socialist and sovereign republic, a part of both the Arab and Africa entities. As far as unity and managing diversity were concerned, this was a good start and very important in getting to the heart of the problem that had been troubling the independent Sudanese state. Yet this permanent secular constitution, like many of the other arrangements authored by President Nimeiri during his time in office, had a short lifespan for he would replace it with one inspired by Islam, a development which would add another degree of separation between South and North, thus creating a further impediment in the search for peace in the country.



These were problems for the future, however, and the cessation of hostilities brought about by the Agreement produced a dramatic reorientation of the economy in the short-term. One large development project that the revolutionaries would use to galvanize local support for their cause and to attract international attention was the beginning of petroleum exploration in a concession of 200,000 square miles of Southern Kordofan and the Upper Nile by Chevron Overseas Petroleum Incorporated (COPI). In 1978, the American media aired a striking piece of news that: “Commercial quantities of oil had been discovered in the Southern part of Sudan which would be piped 900 miles to Port Sudan for the international markets.”<sup>230</sup> There was anxiety in the North about the consequences of such news, which soon turned out to be justified, as separatist sentiment in the South was outraged. Street protests there demanded that the pipeline should pass ‘southern oil’ through Southern Sudan to Mombasa in Kenya. The government’s response made matters worse. Despite Southern sensitivities the Nimeiri regime, in a flagrant violation of the Addis Ababa Agreement, sought to redraw the boundary between North and South in July 1980 to include the oilfields of the Upper Nile and the Bahr al-Ghazal provinces in the North. As Garang declared during his speech after the creation of the SPLM/A:

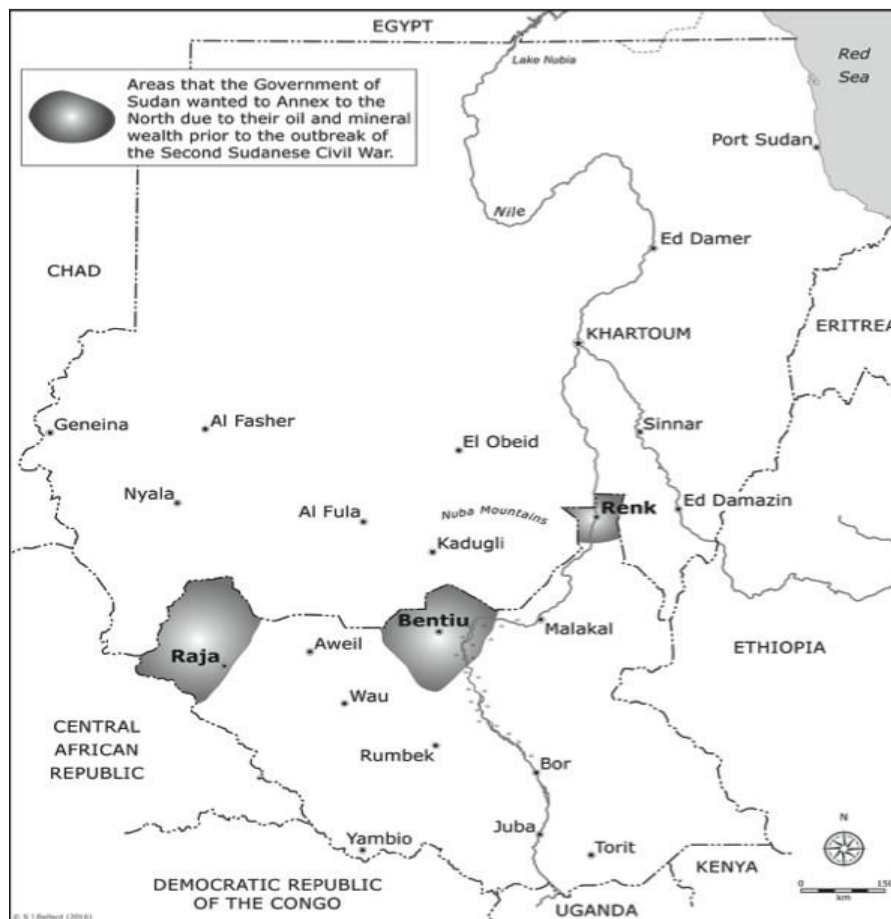
“He (Nimeiri) unconstitutionally and unsuccessfully tried to change the boundaries of the Southern Region via his 1980 People’s Regional Government Act. By this way he wanted to deprive the South of mineral rich prime agricultural land such as Hofrat el Nhas, Kafia Kingi, Northern Upper Nile, Bentiu...”<sup>231</sup>

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<sup>230</sup> Collins, R. (1962). *The Southern Sudan: 1883-1898*. New Haven: Yale University Press. p.123

<sup>231</sup> Appeal to the Sudanese people on the founding of the Sudan People’s Liberation Army (SPLA) and Sudan People’s Liberation Movement (SPLM) by Col. Dr John Garang de Mabior Chairman, Provisional Executive Committee, SPLM and Commander-in-Chief of the SPLA Forces.

**Figure 4: Resource-rich Areas in the Southern Sudanese Territory that the Government of Sudan Attempted to Annex to the North**



*Figure 4 illustrates the three resource-rich areas of Bentiu, Raja and Renk that the Government of Sudan attempted to annex to the North due to their oil, mineral and agricultural wealth.<sup>232</sup>*

Nimeiri's unilateral decision to change the boundaries of Southern Sudan

Announcement on Radio SPLA on the 3rd of March, 1984, Bilpam, Ethiopia.

<sup>232</sup> Map drawn to the author's specification by Mr. Sebastian Ballard in Hampshire, England in April, 2016

triggered yet another protest from Southern students, who were to form the first battalions in the soon-to-be-established revolutionary movement in the South that would renew the struggle against the Government in Khartoum. On June 5<sup>th</sup> 1983, President Nimeiri abruptly announced over prime time national television his Republican Order Number One, which divided the Southern Region into three provinces – Bahr al-Ghazal, Equatoria, and the Upper Nile. This set the stage for the final dismantling of the Agreement. Then in a series of decrees, Nimeiri redefined Sudan as an Arab-Islamic state by ensuring that Sharia Law was to be the basis of the constitution.

The imposition of Sharia Law on non-Muslims redefined the identity of a multi-racial and multi-religious, country as Arab and Islamic, non-Arabs and non-Muslims were politically excluded from the new Arab- Islamic Sudan. Theoretically, scholars understand that race is a social (rather than a biological) construct in which the meanings attached to racial categories are influenced by different historical and social forces.<sup>233</sup> Although scholars generally recognize the complexity of race at the theoretical level, empirical studies in the social sciences generally do not reflect this understanding. Since the whole of the Southern region was comprised of non-Arabs and non-Muslims, various Southern voices were raised bitterly against the September Laws, as the Islamic laws introduced by Nimeiri came to be known. This prompted the formation of the SPLM/A, which waged war against the government of Nimeiri, proposing its own version of national identity and vowing to replace the identity imposed by Nimeiri through the force of arms. Aware that he no longer had Southern support due to

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<sup>233</sup> Omi, M., & Winant, H. (1994) *Racial Formation in the United States: From 1960s to the 1990s*. New York: Routledge, pp.9-13

his abrogation of the AAA, Nimeiri turned to the force of arms against the South in order to ensure Northern sentiment. Ironically, Jaafar Nimeiri ultimately lost power two years later in a popular uprising championed by the same group of Northerners that he had wanted to appease. This popular uprising was induced by the harsh economic realities brought about by the Second Civil War.

### The Birth of the SPLM/A

Between 1972 and 1974 relative peace and calm had returned to Sudan, especially to the South as a result of the Agreement that the Government and the Anyanya movement had signed. But from 1974 onwards, a series of rebellions began to emerge in the South, including that of Lieutenant Benson Kuany Latjor and Sergeant Bol Kur in Akobo and the Juba Airport mutiny in 1976 for which an Anyanya veteran, Samuel Gai Tut, was held responsible. Also in 1976, Captain Alfred Aguet Awan rebelled in Wau and began to fight the government in the North. In short, by the time that President Nimeiri had decided to introduce the division of the South into three small and weak autonomous provinces, the situation had significantly deteriorated.

For the South, it was force of arms that had forced President Nimeiri to create the Addis Ababa Agreement but the absence of such force later led him to abrogate it and institute a policy of political exclusion instead. Southern activists were now ready to return to the bush to voice their grievances through rebellion as the only viable way forward.<sup>234</sup> Nimeiri, with a recently re-equipped army, believed that

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<sup>234</sup> Anyanya II, a group of dissatisfied former Anyanya fighters was already operating in some parts of South Sudan as bandits and robbers - hardly a viable force that could challenge the powerful military of the North. The Anyanya II leadership was essentially uneducated and unsophisticated thus creating a

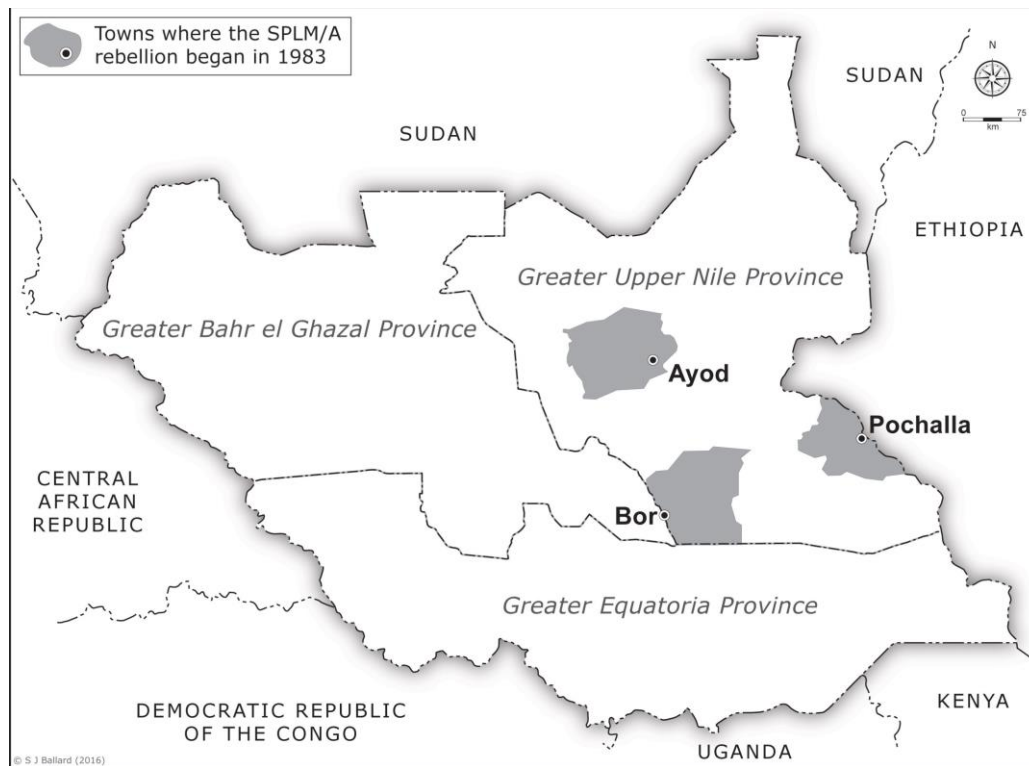
he had nothing to fear and had a plan to eliminate the Southern armed forces in the South. He ordered them to move to the North and West (Darfur) of the country on the principle of keeping one's enemies close in order to properly monitor their activities. Mutinies, however, were brewing in Southern towns of Bor, Pochalla, Akobo, Pibor and Ayod.

In January 1983, the 105<sup>th</sup> Battalion of the 1<sup>st</sup> Division of Southern Command at the Bor garrison refused to accept orders transferring it to the North. The first response, from the Division Headquarters in Juba, was to punish the battalion by withholding its April salaries. Major Kerubino Kuanyin Bol, the commander of the 105<sup>th</sup> Battalion, arrived to take command of the Bor garrison which was by now on the brink of mutiny. He immediately fortified the town. In order to address the Bor crisis, President Nimeiri and his National Defence Council in Khartoum took aggressive action. The 105<sup>th</sup> Battalion's soldiers were branded as mutineers who were to be dealt with in accordance with army's regulations. Forces were to be sent to Bor to forcibly disarm them. On 8<sup>th</sup> May Major Kerubino forbade a army barge carrying a force to dock at Bor, suspecting that it had been sent to disarm his garrison. The army barge returned at dawn on 16<sup>th</sup> May 1983 to launch an assault on the 105<sup>th</sup> Battalion garrisons at Bor and Pibor. At Bor, fierce fighting continued throughout the day until the 105<sup>th</sup> Battalion led by the wounded Major Kerubino left its barracks and disappeared into the bush, only to reappear later in Ethiopia. The 105<sup>th</sup> Battalion at the Pibor garrison abandoned their post the following day whilst the Pochalla garrison crossed the Akobo River into Ethiopia with their arms.

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vacuum for any kind of political or ideological guidance. This led to its quick elimination by the SPLM/A in 1983.

**Figure 5: Map Indicating Where the SPLM/A Began in 1983**



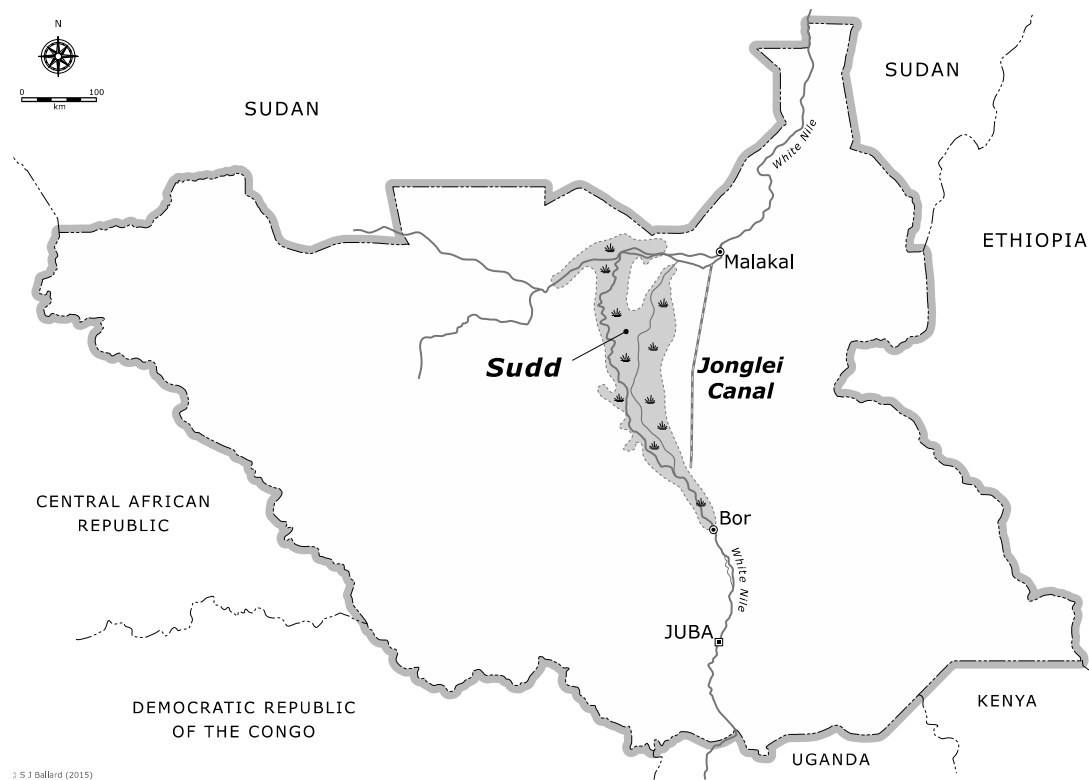
*Figure 5 illustrates the three towns in former Jonglei Province where the SPLM/A began its rebellion in 1983.<sup>235</sup>*

The mutineers were to eventually form the SPLM/A in Ethiopia under the leadership of Colonel John Garang de Mabior. The Movement unveiled a three-pronged military strategy: to fight the government of Sudan with the undivided support of the Southern masses; to consolidate Garang's control over the leadership of the Movement; and to assert the SPLM/A's presence in Sudan and internationally. In order to obtain international attention, the SPLM/A launched attacks on projects with international investment, namely the Jonglei Canal and

<sup>235</sup> Map drawn to the author's specification by Mr. Sebastian Ballard in Hampshire, England in April, 2016

the oil fields within the Upper Nile Region.

**Figure 6: The Jonglei Canal**



*Figure 6 illustrates the Jonglei Canal, which served as a major target for the SPLM/A in order to curtail the Government's developmental project for the region.<sup>236</sup>*

The shortcomings of the first civil war and the failure of the peace agreement that ended it in 1972 not only forced the former Southern fighters to return to the bush to fight but caused them to change the nature of their separatist armed struggle to an inclusive ideological movement that appealed to the marginalised Sudanese.

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<sup>236</sup> Map drawn to the author's specification by Mr. Sebastian Ballard in Hampshire, England in April, 2016

Following mass recruitment into its bases in Ethiopia from 1984 to 1989, the SPLM/A waged a number of attacks on Sudan's military posts along the Sudan-Ethiopia border as evidenced by the assaults on Jekou, Akobo and Malual-Gaath in 1984. This all-out military strategy caused war casualties to multiply rapidly, creating substantial losses that were only mitigated by the exponential growth of new recruits into the SPLM/A's training camps. With many Southerner's willing to join the SPLM/A for reasons that included acquiring arms in order to protect their properties and lives from internal cattle-raiding combined with Mengistu's commitment to provide secure bases and to facilitate the passage of military supplies and weapons from the SPLM/A's allies (among them Libya, Russia, and Cuba), the SPLM/A convinced itself that military victory was certain and imminent. This military single-mindedness caused the SPLM/A to invest very little in alternative means of resolving the conflict.

As a result, the SPLM/A military operations traced a pattern that clearly pointed to a military deadlock: a number of strategic garrison towns exchanged hands several times. Over the course of the protracted conflict, expanding areas of permanent control proved very difficult for both the Government and the SPLM/A. Despite the irrefutable statistics showing that military victory was impossible for either of the two sides, what was baffling were the heightened delusions through which both sides expressed their faith in the future success by force of arms. The SPLM/A's strategy sought to undermine the Government and its various militias in the South by mounting protracted operations that would wear the Government's forces down. Part of the strategy, too, was to hamper the Government's development projects in order to expose its weaknesses. The



Compagnie des Constructions Internationales' (CCI)<sup>237</sup> construction of the Jonglei Canal and Chevron's exploration of oil in the Southern Region were halted by the SPLM/A in early 1984, finally convincing Chevron that the Government was incapable of defending the oil wells, so that the company suspended its oil activities in Bentiu.

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<sup>237</sup> The digging of Jonglei Canal began in 1978, after a 1976 agreement between the Government of Sudan and the French engineering firm Compagnie des Constructions Internationales (CCI). The Canal was designed to divert about 25 million cubic meters of water a day from the southward flow of the upper Nile waters just North of Bor and channel it through a cut of 369 km which would deliver at Malakal a water flow of about 4.7 billion cubic meters annually.

**Figure 7: Map of Oil-Rich Regions Targeted by the SPLM/A**



*Figure 7 illustrates the oil blocks in Southern Sudan. Block 5A and Block 7 were the two operational oil blocks in the Southern Sudanese region. The SPLM/A focused its efforts on disrupting oil production in these two blocks in order to starve the Government of oil wealth, which it used to finance the war.<sup>238</sup>*

The SPLM/A's military operations applied two tactical military approaches:

<sup>238</sup> Map drawn to the author's specification by Mr. Sebastian Ballard in Hampshire, England in April, 2016

permanent occupation of captured towns and hit-and-run guerrilla tactics in order constantly harass their enemy. The SPLM/A's engagement of Government forces exhibited a familiar pattern: surround an army garrison, block the enemy's lines of reinforcement and overrun, seize and administer the locality. Then move on to the next strategic town until the whole of Sudan would be within its grasp.

Critics within the SPLM/A expressed concern with the movement's use of mass numbers, which led to high numbers of casualties at a very early stage of the movement's history. This led to the SPLM/A having to mobilize and recruit more men to replenish heavy losses. This early SPLM/A tactic brought into question the capability of SPLM/A top commanders who ascended to leadership of the movement, but had not attended rigorous military training, as evidenced by their over-reliance on all-out mass attacks.

Between 1984 and 1985 the numerical strength of the forces in the field was in the Government's favour. However, this did not pose a significant problem to the SPLM/A's morale because officers and men deployed from the SPLM/A's training camps were highly motivated due to the spirit of revolution that was encouraged at the SPLM/A's training camps. The SAF numbered over 56,000 men by 1985 while the effective fighting force of the SPLM/A numbered fewer than 10,000 troops with another 20,000 recruits in the training camps in Ethiopia.<sup>239</sup> Despite its clear numerical advantage, the Government at the time led by the Transitional Military Council (TMC), which took over following the fall of Nimeiri in 1985, "lacked the resources to mount a major offensive against the

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<sup>239</sup> Collins, R. O. (2008). *A History of Modern Sudan*. Cambridge University Press, pp.161-202

SPLA, preferring to remain on the defensive” as “troops were equipped with obsolete weapons, were inadequately supplied by air, and felt deeply demoralized.”<sup>240</sup> Whatever the specific reasons for the inability of the SAF to halt the military advances of the SPLM/A, the Southern movement also proved that it was a force to be reckoned with as by 1985, it effectively controlled all of Southern Sudan’s rural areas.

By 1989 the SAF numbered about 65,000 of which no more than half could be deployed in the war zones of Southern Sudan at any one time due to the existence of conflicts in other regions of Sudan such as Darfur and the necessity of securing Sudan’s borders. The SPLA’s numerical strength grew to over 70,000 by 1989, thus allowing the SPLM/A to outnumber the SAF in the field – a highly unusual situation in the history of guerrilla movements. Aware of its numerical inferiority, the Government of Sudan introduced compulsory recruitment into its Popular Defence Forces, which supplemented SAF’s ranks. Not only were the SPLA forces more numerous, they were also well equipped and well trained as a result of the logistical support received from Libya, Cuba and Ethiopia and training from the Ethiopian and Cuban militaries. Although the SPLM/A was receiving external logistical support, capturing SAF garrisons also served as a means of replenishing to the SPLM/A’s stockpile of arms. As the famed guerrilla fighter, Che Guevara notes, “the guerrilla soldier must never forget the fact that the enemy must serve as the source of arms and ammunition.”<sup>241</sup> This principle required that a guerrilla band carried the same weapons as its enemy. Overlooking this had proved to be a mistake that had placed Anyanya at a disadvantage but the

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<sup>240</sup> Ibid

<sup>241</sup> Guevara, E. C. (2006). *Guerrilla Warfare*. Ocean Press, London, p.33

SPLM/A had learned not to repeat it by subsequently varying its sources of supply of weaponry and ammunition. Nonetheless, the fact that the initial fighters to join the SPLM/A had defected from the Government of Sudan with their weapons made initial logistical provision in the terms described by Guevara easy for the movement's army.

With its emphasis on numbers, equipment and training, the SPLM/A was able to build a large and strong army within two years of its formation, which significantly boosted the morale of the young guerrilla movement. Dr John Garang de Mabior was keen to develop a large guerrilla force. His reasoning for this was based on his experiences during his time as an Anyanya officer. Compared to the SPLM/A, the Anyanya's relatively small fighting force was insufficient to cover the large land mass of Southern Sudan. Furthermore, Dr John's experience as a SAF officer gave him the knowledge that the SAF being in a defensive position held an advantage over the SPLM/A who were on the offensive. To mitigate this disadvantage, Dr Garang often relied on deploying large numbers to attack the SAF's positions. This approach often resulted in the SPLA sustaining larger casualties than would have been the case if traditional guerrilla tactics were employed. A good example of the excessive loss of life can be seen in the battle of Jekou in Upper Nile Province on 3 March 1985, when the Koryom Division, led by Lt. Col. Kerubino Kuanyin Bol, incurred heavy casualties when he successfully captured the town. In spite of the heavily losses incurred, the SPLM/A was able to cross the White Nile to Bentiu in January 1984 and interrupted oil explorations in the Southern oilfields in order to deprive the government of finance for its military operations.

In June 1984 the SPLA's Tiger Battalion, led by Major Salva Kiir Mayardit and the Timsah Battalion, led by Major Arok Thon Arok captured Pochalla and Pibor respectively to secure the SPLM/A's logistical routes to and from Ethiopia and to demonstrate to the government that the SPLM/A was capable of waging a successful war on many fronts.

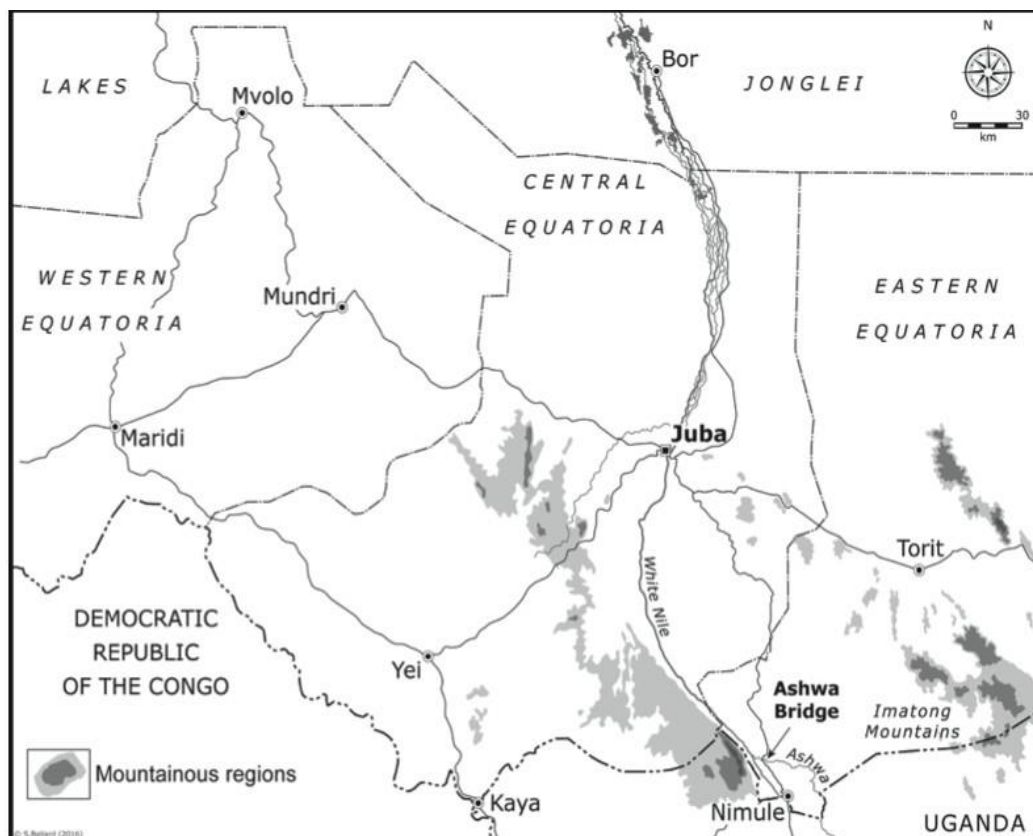
Development was also a part of Garang's strategy in order to gain support from the civil population by providing the services that the Government of Khartoum had failed to provide. Under his personal supervision, the SPLM/A constructed roads between Panyido and Pachalla, and Bongo, Raad and Dima in 1987. From Pachalla to Boma through Okello, the SPLM/A bulldozed and graded another road, which made it possible for the movement to capture areas in South Eastern Sudan. The SPLM/A's ambitious development programme was brought to a halt due to a lack of resources, since acquiring military logistics was a priority for the movement.

### The Strategic Military Significance of Equatoria

Southern Sudan's weather and topography is conducive to guerrilla warfare. It experiences seasonal rainfall, which is influenced by the annual shift of the Inter-Tropical Convergence Zone that tends to last six months between April and September. The end of the rains does not automatically signal dry land in certain Southern regions. In the former Upper Nile province for example, the Sudd plains result in the region remaining swampy for most of the year. The rains and the swamps that they cause significantly hinder movement and mobility. The natural

conditions of Southern Sudan therefore provided the SPLM/A with an advantage over the government of Sudan. Due to these natural conditions, the government focused its efforts on the dry season, which essentially led to it conducting warfare for only half of the year. The weather-induced advantage that the SPLM/A enjoyed was further bolstered by the topography of Southern Sudan in the Equatoria Province, which had many mountainous areas and thick vegetation that allowed the SPLM/A to effectively employ guerrilla tactics.

**Figure 8: Topographical Map of the Equatoria Region**



*Figure 8 provides a topographical illustration of the Equatoria region.*<sup>242</sup>

<sup>242</sup> Map drawn to the author's specification by Mr. Sebastian Ballard in Hampshire, England in April, 2016

Given its location, Equatoria was to prove to be the key to the SPLM/A's strategy. There were still problems, not least those connected with the distances over which logistical supply had to take place. The usual weapons held by the SPLM/A forces at the inception of the war were mostly light weapons. A battalion sent into the operational zone with such weapons ran the risk of running short of ammunition because of the distance between Ethiopia and some of the operational zones, such as Western Equatoria or Bahr al-Ghazal, let alone the fact that the whole resupply situation had to depend on pure muscle power, using porters with heavy loads through unfavourable terrain.

James Wani Igga, the SPLA commander and a member of the Political Military High Command (PMHC)<sup>243</sup>, who was given the mission of penetrating the Central and Western Equatoria operational zone, noted that: "The issue of ammunition was a problem right from the time we left Bonga."<sup>244</sup>

This problem of ammunition supply was to foil many attempts at penetrating Equatoria. Nonetheless, since the SPLM/A was determined to engulf the whole of Sudan in the war, it continued to attempt to move into Equatoria. Until late 1984, however, the SPLM/A did not have a presence in Equatoria and its early attempts were disastrous, resulting in two of its units, totalling 3,000 men, being forced back to the Bor area in the Greater Upper Nile Province by Government forces, assisted by local militias from the Mundari and Acholi tribes. Arok Thon led the SPLM/A Zindiya battalion into Eastern Equatoria mainly for recruiting purposes.

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<sup>243</sup> The Political Military High Command (PMHC) was the highest body in the movement which formulated policy related to war. It initially had five members but was later on increased to 13 of which five members were permanent and eight were alternate members.

<sup>244</sup> Igga, J. W. (2010). *Rediscovering Our Roots*. Kampala. Uganda, Roberts & Brothers General Printers. p.86



He kept the new recruits with his battalion with the hope of sending them to the training camps at an opportune moment, as his forces reached Owinykibul, the former Anyanya headquarters. A Government expeditionary force attacked the Zindiya battalion which sustained heavy casualties in human and materiel terms but eventually forced SPLM/A troops into the Lobone mountains, as a result of the arrival of another enemy contingent which had been sent against the SPLM/A from Torit. Having exhausted their ammunition during the Owinykibul battle, the SPLM/A forces were forced to retreat towards Bor. New SPLM/A recruits took to their heels and returned to their villages. In another move towards Equatoria the SPLM/A's Lieutenant Colonel Benjamin Makor Lual led the Cobra Battalion into Central Equatoria and the battalion managed to capture Terekeka Town, some 60 miles north of Juba, in December 1984. The Government's counter-attack flushed the SPLA forces out, mainly because of their shortage of ammunition and their mistake of looting the town as well as stealing cattle belonging to the Mundari tribe, which prompted Mundari youth to side with the Government forces.

Despite the earlier disasters in Equatoria, Colonel Garang knew, having learned that the survival of the Anyanya was a consequence of the rough Equatorian terrain that no serious liberation would survive without a foothold in Equatoria because of its strategic geographic importance. The Equatorias – Eastern, Central, and Western – form Sudan's southern border with the Democratic Republic of Congo (DRC), Uganda, Kenya, and Ethiopia. The Equatoria region had also suffered more than most other parts of Southern Sudan from the First Sudanese Civil War because it had served as a focal point for the struggle, and the general headquarters of the Anyanya movement had been at Owinykibul, deep inside

Equatoria, and then relocated to Labone after the movement was dislodged from Owinykibul.

Equatoria Province was significant to the SPLM/A's military strategy throughout the Second Sudanese Civil War. Not only was the topography critical to the SPLM/A defensive military strategy but its ample rain and rich fertile soil provided the SPLM/A with a unique opportunity to ensure a constant food supply for its troops, which supplemented the ready food source provided by the region's wildlife population that included buffalo, antelope, elephant and hippopotamus.

Furthermore, the Equatoria Province provided a trade route to Uganda and Kenya. The SPLM/A actively encouraged trade between the Southern Sudanese populace and Uganda by safeguarding the lives and properties of traders travelling through the SPLM/A-held zones to the Ugandan border. This sent a very clear message to the people of southern Sudan: the SPLA-held areas provided safe cross-border trade with Uganda. Over the years, traders as far as Bahr el Ghazal Province would travel through the SPLA-controlled areas to Equatoria Province to engage in cross-border trade with Uganda.

The Equatoria Province also provided a conduit through which the SPLM/A was able to replenish its ranks with recruits from the Kakuma Refugee Camp in northwestern Kenya, and internally displaced Southerners on the Sudan-Uganda border of Laboni, Mugali and Yundi. The SPLM/A was also able to exploit the subsoil resources within Equatoria Province through its National Economic Corporation (NEC), which it established in 1992 to trade gold found in Kapoeta

and Southern Bari and the ample timber within Western Equatoria. With respect to the topography, the mountainous terrain of Equatoria Province and its dense vegetation provided ideal shelter for armed fighters. As a result, strategically important areas such as the Aswa River became the scenes of significant battles whereby the SPLM/A was placed at a significant advantage over the SAF. Indeed, the SPLM/A launched its most successful operations from its positions along the Aswa River that saw the SPLM/A capture Kapoeta in 1995, Yei in 1999 and Torit in 2001. These assaults culminated in the SPLM/A laying siege to Juba on several fronts, which undoubtedly pressed the government into engaging the SPLM/A in serious negotiations within the framework of the IGAD-led peace process.

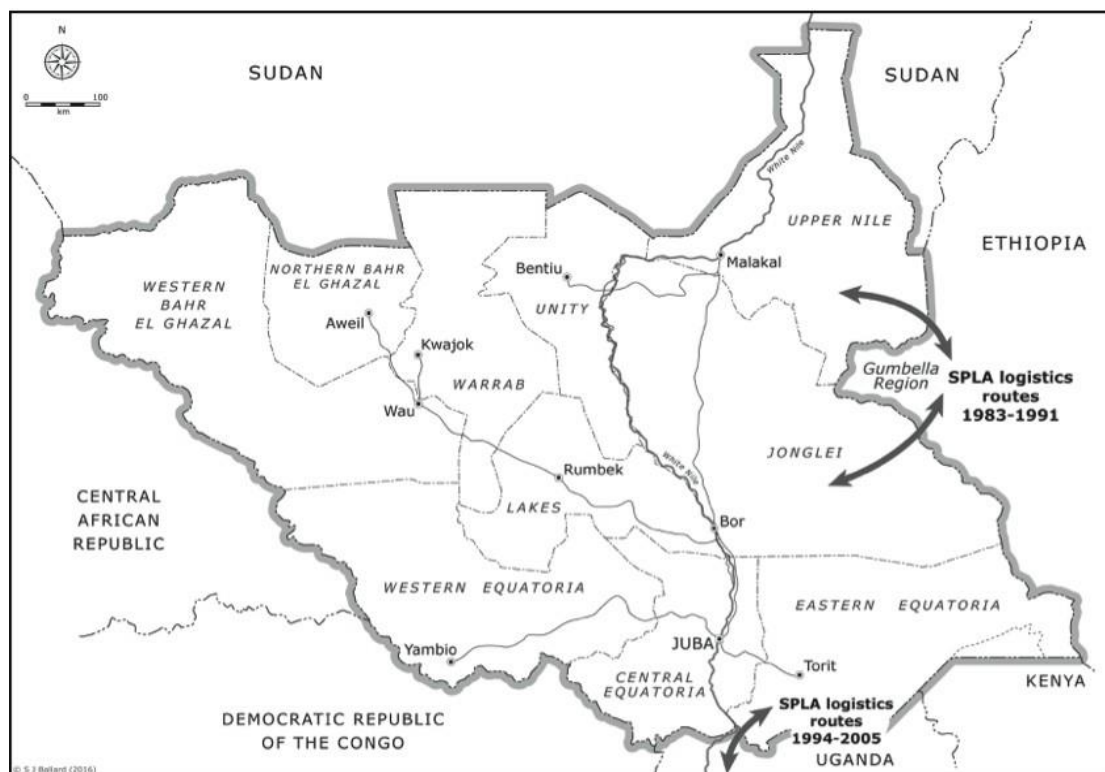
By the end of 1985 the Agreb battalion, under the command of Nyachigak Ng'achiluk, had captured the town of Boma in Jonglei State near the Ethiopian border, which became the SPLM/A's headquarters. In 1987 the Shakush Battalion led by Major James Wani Igga and assisted by Lieutenant Colonel Benjamin Makor Lual, with John Kong Nyuon and Dau Manyok commanding the two task forces making up the battalion, penetrated the Central and Western Equatoria Zones (CWEZ). "In CWEZ, we sometimes ran short of ammunition so much that we depended on whatever was captured from the enemy" wrote Commander Igga in 2010.<sup>245</sup> This effectively made the Government of Sudan into another supplier of weaponry to the SPLM/A, along with Cuba, Libya, and Ethiopia and in later years, Uganda and Eritrea. On November 11th 1987, the Eagle Battalion under the command of Kerubino Kuanyin Bol captured the town of Kurmuk and, in the aftermath of that victory, overran the town of Qaissan. Kurmuk is a commercial

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<sup>245</sup> Igga, W. Rediscovering Our Roots. p.186

crossing-point on the Sudanese-Ethiopian border only 450 miles southeast of the capital, Khartoum, and not far from Damazin and the Rosieres Dam, which supplied 60% of Khartoum's electricity.<sup>246</sup> The SPLM/A's capture of Kurmuk placed the southern Blue Nile region under the SPLM/A's control and demonstrated that the Government was incapable of operating a successful war against the SPLM/A. The importance of Kurmuk to both sides could be seen in the fact that the town changed hands three times in the course of the two decades-long armed conflict.

**Figure 9: Key SPLM/A Logistics Routes**



*Figure 9 illustrates the SPLM/A's logistics routes to Ethiopia and Uganda.*<sup>247</sup>

<sup>246</sup> Collins, R. O. (1963). *The Independent Sudan*. Current History (pre-1986), 44 (257), p.13.

<sup>247</sup> Map drawn to the author's specification by Mr. Sebastian Ballard in Hampshire, England in April,

## Reconciliation and Management of Internal Conflicts within the Southern Resistance

The SPLM/A's decision to shift from an aggressive approach to dealing with internal opposition to establishing reconciliatory dialogue the Southern resistance movement, which translated to gains on the battlefield. Indeed, the AAA was not embraced by all segments of Anyanya I. Elements of the guerilla movement refused integration into Sudan's organised forces, choosing instead to take up arms once more in order to realize the rebel movement's original separatist political objective. Under the command of Benson Kuany Latjor, the remnants of Anyanya I adopted the name Anyanya II in 1978. A clash between the newly formed Anyanya II and the SPLM/A was inevitable on ideological grounds since Benson Kuany Latjor's forces were fighting for separation from northern Sudan, whereas Dr John Garang's newly established SPLM/A were firmly behind the creation of a new political dispensation in Sudan. The diverging objectives of Benson Kuany Latjor and Dr John Garang led to a power struggle as to who would control the anti- government resistance. Having articulated a desire to keep the borders of Sudan intact, the SPLM/A successfully appealed to the sentiments of President Mengistu Hailemariam of Ethiopia who was fighting against a separatist movement at the time. The arms supplied to the SPLM/A by Ethiopia helped Dr John Garang to defeat the Anyanya II at their base in Bilpam, which was situated in Ethiopian territory.

Benson Kuany Latjor's group take up arms once again in southern Sudanese

territory. The government exploited the southern division, eventually forging an alliance with Anyanya II, providing them with arms, logistical support and training in order to frustrate the SPLM/A's war effort by creating a pro-government militia. In doing so, the government was reverting to its tried and tested divide-and-rule tactic of positioning southern Sudanese against one another; a constant theme during the AAA peace negotiations. Keen to avoid fighting a war on multiple fronts, the SPLM/A engaged the Anyanya II in dialogue. Dr John Garang shifted away from his earlier tactic of finding a military solution to the Anyanya II 'problem'. Instead, the SPLM/A used its senior Nuer officers to establish contact with the Anyanya II's leadership, which was predominantly comprised of members of the Nuer ethnic community. The dialogue and subsequent negotiations resulted in the signing of a unity accord between the SPLM/A and the Anyanya II in January 1988. Unity amongst the different anti-government fighters was to make the SPLM/A much stronger and would contribute to its ultimate victory. In order to create awareness amongst the rank and file of the SPLM/A and to widely disseminate the unity accord, the SPLA Radio announced the merger of Anyanya II into the SPLM/A. As part of the agreement, Beson Kuany Latjor was integrated into the SPLM/A at the rank of Commander and Gordon Kong Chol was appointed a member of the SPLM/A Politico-Military High Command and a Zonal Commander of the Nasir and Maiwut area in Upper Nile Province. The merger strengthened the SPLM/A's war effort since Anyanya II brought with them significant numbers, which further boosted the SPLA's military momentum and paved the way for a number of victories against the Government that changed the course of the conflict in the middle of 1989 with the SPLM/A successfully capturing Nasir, Adong, Ulang,

Anakdiar, Maban and Melut in Upper Niler Province; Yirol, Rumbek, Gogrial and Tonj in Bahr el Ghazal Province; and Torit, Kapoeta, Magwi, Ngalngala, Liria, Maridi, Yambio, Rasulu and Mundiri in Equatoria Province.

Another tactic that the SPLM/A employed during the civil war was to lay siege to a town in order to minimise its casualties. This tactic effectively created a no-man's land of approximately four hundred meters around the town, cutting off supplies and making it impossible for the enemy to parachute supplies in. By doing this, "The enemy faced a very hard time, not so much from the SPLA offensive as from starvation," according to Commander Igga (2010). He continued, "We intensified the siege and that was the surest way to dislodge the enemy. We succeeded in capturing Torit on 24 January 1989." The capture of Parajok, Gemmaiza, and Nimule in early March, Mongalla on 17<sup>th</sup> March in the same year, of Akobo on 17<sup>th</sup> April, and Waat on 2<sup>nd</sup> May followed until the whole of the Ethiopian border from Jekou to Kapoeta was liberated with the three former provincial capitals – Torit, Bor, and Nasir – controlled by the SPLA. By the end of 1989 the SPLA controlled a large swathe of territory from Eastern Equatoria to Northern Bahr al-Ghazal, which allowed it to besiege Juba.

Encouraged by these sweeping territorial gains, the SPLM/A altered its strategy from guerrilla to conventional warfare. Having secured access to Kenya through Kapoeta and to Uganda through Nimule, the SPLM/A's direct links to neighbouring countries improved its logistical supply routes. By March 1990 the SPLM/A had captured the important towns of Kajo-keji, Kaya, Morobo, and Yei. Not only were these towns located near the Uganda border but they also left Juba,

the de-facto capital of Southern Sudan, vulnerable to attack by the SPLM/A. For the first time in its history, the government now employed a two-prong approach – fighting the SPLM/A on one hand and seeking a negotiated settlement to the war on the other. The government also sought regional intervention and asked President Mobutu of Congo to mediate an end to the North-South conflict. The government's revised approach was based on the following analysis: mediation underpinned by a successful government offensive would strengthen its negotiating position; alternatively, mediation would provide the perfect opportunity for the government to regroup and strengthen its forces prior to a reinvigorated onslaught against the SPLM/A. The SPLM/A was not convinced by the sudden calls for mediation as noted by James Wani Igga, who was then sixth in the SPLA command hierarchy and the Commander of the Equatoria region, recalling that "such a transparent gimmick did not deceive us."<sup>248</sup> The SPLM/A chose instead to continue the war effort whilst accepting a regional mediation effort in principle. Ultimately, the government's attempts to invite regional mediation through President Mobutu did not succeed and regional mediation did not occur until the IGAD member states concluded that an immediate resolution of the Sudanese civil war was required, for it threatened to destabilize Sudan's neighbouring nations.

### The Road to the CPA

The poor economic situation in Sudan, coupled by the Second Sudanese Civil War led to a popular political uprising, which culminated in President Nimeiri being overthrown in 1985 and a fifteen-member Transitional Military Council

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<sup>248</sup> Igga, W. Rediscovering Our Roots. p.186



(TMC) emerging. Aware of the debilitating cost of war and in light of Sudan's poor economic conditions, the TMC proposed a negotiated settlement. Progress in finding a negotiated settlement to the conflict was registered in March 1986 when the SPLM/A and the National Alliance for National Salvation (NANS) endorsed the Koka Dam Declaration, which had been facilitated by the Ethiopian government. The NANS, which was led by Awad El Karim Mohamed, represented 14 political parties and 22 trade unions, but excluded Mohamed Osman Al Mirghani's Democratic Unionist Party (DUP) and Hassan Al Turabi's National Islamic Front (NIF). The Koka Dam Declaration sought to create a conducive atmosphere for convening a National Constitutional Conference (NCC) to discuss issues pertaining to governance in Sudan.

The NCC failed to convene during the lifespan of the TMC, which officially handed power to Sadig Al Mahdi's Umma Party after Sudan's 1986 general elections. Between 1986 and 1988 a series of initiatives were undertaken by regional countries to find a peaceful resolution to Sudan's civil war. The 1986 meeting between Prime Minister Sadig Al Mahdi and Dr John Garang in Ethiopia, the 1987 Kampala Quest for Peace and the Nairobi Search for Peace and the 1988 Addis Ababa Peace Forum collectively maintained the focus of the Sudanese on a negotiated solution to the conflict. The various initiatives culminated in the SPLM/A, which was the de facto representative of the southern Sudanese region due to its territorial gains on the battlefield<sup>249</sup>, softening its position on the repeal of Sharia Law and accepting the freezing of hudud principles (Sharia Law punishments) enshrined in the September 1983 Laws during

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<sup>249</sup> Ahmad, A. G. M., & Sørbo, G. M. (Eds.). (1989). *Management of the Crisis in the Sudan*. Centre for Development Studies University of Bergen. p.4

the Sudanese Peace Initiative in 1988. The Egyptian government facilitated the Sudanese Peace Initiative between the SPLM/A and the DUP. The DUP, which was not a party to the earlier Koka Dam Declaration, now supported the SPLM/A's call for Sudan to convene the NCC. The Sudanese Peace Initiative was significant because all of Sudan's political forces, barring the NIF who "...had never supported peace"<sup>250</sup>, now adopted the singular approach of finding a negotiated settlement to the civil war as the "...principles laid down in Koka Dam were further developed and strengthened."<sup>251</sup>

Hopes for a negotiated settlement to the civil war were dashed after the military coup led by Brigadier Omer Hassan Ahmed El Bashir in 1989 seized power from Sadiq El Mahdi's democratically elected government. The inclusive political peace process, "...which had reached an advanced stage"<sup>252</sup> was brought to an abrupt end when the coup leaders "...banned all political parties, dissolved all Trade Unions, shut down all non-military press, suspended the constitution, imposed martial law and vested all legislative, executive and judicial powers in one man."<sup>253</sup> Sadiq Al Mahdi's inability to resolve the civil war had acted as a major catalyst for the 1989 coup. The NIF supported the coup and served as the "...fundamentalist political force behind" it.<sup>254</sup> However, the NIF and the military wanted to overthrow the government for different reasons. For the NIF, the reason was fear that the Islamic identity of the country was under threat. The NIF's desire to ensure that Sudan remained an Islamic state came to the fore in 1988

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<sup>250</sup> SPLM/SPLA Radio broadcast to the Sudanese people on the continuation of the war after the overthrow of Sadiq El Mahdi by Omar El Bashir, August 9, 1989

<sup>251</sup> Ibid

<sup>252</sup> Ibid

<sup>253</sup> Ibid

<sup>254</sup> Ibid

when it “...manoeuvred the Constituent Assembly and forced it to pass a resolution formally rejecting” the Sudan Peace Initiative.<sup>255</sup> The military coup plotters, on the other hand, were disappointed by the government’s “inability to end a six-year-old civil war in the south” militarily.<sup>256</sup> Brigadier Bashir was keen to reverse the SPLM/A’s gains in southern Sudanese territory and bring to an end the war “...which Government forces appeared to be losing.”<sup>257</sup>

Having secured power domestically, Omer Hassan El Bashir turned his attention to weakening the SPLM/A through two clearly defined approaches. The first was to weaken the SPLM’s largest benefactor by supporting the anti-Mengistu forces in Ethiopia, which led to the fall of his government in 1991. The fall of Mengistu led to the SPLM/A being forced to leave Ethiopian territory in which its training facilities and logistics were located. The second approach was to support the SPLM/A’s breakaway groups. The internal SPLM/A conflict that broke out shortly after the fall of Mengistu saw Riek Machar and Lam Akol engineer a coup against the SPLM/A leader, Dr John Garang de Mabior, accusing him of dictatorial practices. Towns that the SPLM/A had captured earlier but which now came under control of the two renegades were handed over to the Bashir government. Bashir had reverted to the Northern tried and tested method of divide-and-rule tactics and took advantage of the SPLM/A’s internal chaos in order to register military successes against the SPLM/A.

Encouraged by its military successes, the NIF decided to ignore the SPLM/A and

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<sup>255</sup> Ibid

<sup>256</sup> Cowell, A. July 1, 1989 “Military Coup In Sudan Ousts Civilian Regime”, The New York Times. p.4

<sup>257</sup> Ibid

instead began to initiate contacts with leaders of the breakaway factions, notably Riek Machar. Riek Machar having lost the trust of Southerners because he had turned over Southern towns previously controlled by the SPLM/A to the NIF, and because he had transferred the allegiance of his men to the NIF so that they would fight against their fellow Southerners, decided swiftly to sign a peace accord with Khartoum to exonerate himself. He signed the Khartoum Peace Agreement in 1997, which the Sudanese Government undermined, an act that shattered Riek's popularity even further and reduced the little influence he had on Southern affairs to virtually nothing as a result.

The failure of the 1997 peace accord, Riek Machar's subsequent non-compliance with the government and the intensification of the civil war left the government with no choice but to now accept the IGAD peace initiative that was launched in 1993 as the basis for negotiations. The IGAD peace initiative was the result of a summit in Djibouti that was geared towards finding a lasting solution to conflicts in the region. Although the government had obtained the military upper hand against the SPLA as a result of the fall of Mengistu's government and the internal chaos in the SPLM/A as a result of Riek Machar and Lam Akol's coup, it had failed to translate its military advantage into the annihilation of the SPLM/A. In consequence, the government requested Ethiopian and Eritrean mediation in the hope that both would support its diplomatic position with regards to the civil war. However, the leaders of Eritrea and Ethiopia, well versed in Sudanese conflicts, rebuffed the NIF's negotiating formula, suggesting instead, "...that any peace process in which they would be involved would have to address the root causes of

the conflict.”<sup>258</sup> In a move that further contradicted Sudan’s stance, Eritrea and Ethiopia “...candidly argued the case of the people of the South that they had not been involved in Sudan’s self-determination, and were therefore entitled to determine their destiny.”<sup>259</sup> The notion of southerners determining their destiny, which had been introduced by Eritrea and Ethiopia, permeated the ideological stance of the SPLM/A and resulted in the SPLM/A accepting secession from the North as an option for the first time since its inception during the National Convention of New Sudan in April 1994. The Convention was the first of its kind for the SPLM/A and brought together over five hundred SPLM/A delegates to the town of Chukudum in Eastern Equatoria to “discuss and address national matters.”<sup>260</sup> The SPLM/A had therefore resolved in Chukudum that all future peace negotiations should include demands for southern self-determination.

Throughout the course of the conflict, the SPLM/A continually sought a peaceful resolution to the civil war. Dr John Garang was keen to finding a an internal ‘peace from within’ that would bring on board Sudan’s political stakeholders as evidenced by the Koka Dam Declaration and the Sudan Peace Initiative, which had won “...popular support in the country and served as a rallying point for all peace-loving forces” in Sudan.<sup>261</sup> However, Dr John Garang was open to the possibility of a regionally mediated solution to the war as demonstrated by the SPLM/A’s involvement in the Abuja I and the Abuja II peace talks in 1992 and

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<sup>258</sup> Deng, F. M. (2010). Sudan at the brink: self-determination and national unity. International Humanitarian Affairs. 1st Ed. New York: Fordham University Press.

<sup>259</sup> Comments by Francis M. Deng in Abdel Ghaffar M. Ahmed Sorbo, eds (1989), Management of the Crisis in the Sudan, Proceedings of the Bergen Forum, 23-24 Feb. 1989, Published in Khartoum by Khartoum University Press and University of Bergen, p.47

<sup>260</sup> Guarak, M. A. M (2011). Integration and Fragmentation of the Sudan: An African Renaissance, Authorhouse. p.383

<sup>261</sup> SPLM/SPLA Radio broadcast to the Sudanese people on the continuation of the war after the overthrow of Sadiq El Mahdi by Omar El Bashir, August 9, 1989

1993 respectively which were facilitated by President Babangida of Nigeria. The peace talks discussed the governance and economic principles to be adopted in Sudan. The SPLM/A's willingness to engage in regional mediation efforts ultimately resulted in the IGAD-brokered Comprehensive Peace Agreement in 2005, itself also based on the principles enunciated in the Abuja I and Abuja II talks.

The SPLM/A's position on regional mediation was dictated by realities on the ground. The SPLM/A was particularly keen to negotiate with the government when it held a strong military position. After a series of successful campaigns after 1983, the SPLM/A engaged in a series of regionally mediated efforts to find a lasting solution to the civil war. Between 1986 and 1991 the SPLM/A was involved in nine regionally facilitated peace initiatives in Ethiopia, Kenya, Uganda and Egypt. Although the SPLM/A welcomed regional efforts geared towards peace, there were instances when Dr John Garang rejected external talks. The SPLM/A chose to reject Eritrean and Ethiopian mediation after the split in its ranks in 1991 that subsequently saw the SPLM/A lose significant towns to the government. The refusal to engage in talks stemmed from the SPLM/A's weakened position and a belief that the Khartoum government was not interested in genuine peace negotiations. As highlighted by Deng Alor Kuol, the SPLM/A's representative at the time to Ethiopia, "The Sudanese Government was not interested in finding solutions to the concerns raised by the SPLM/A in the early 1990s."<sup>262</sup> The SPLM/A's decision to reject talks with the government ultimately resulted in international condemnation, given the number of refugees caused by

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<sup>262</sup> Interview with Deng Alor Kuol on 8 March, 2016, in Juba, South Sudan

the civil war, which the UNHCR estimated at 500,000.<sup>263</sup>

Ultimately, the Sudanese civil war was brought to the attention of IGAD<sup>264</sup>, which in 1993 mandated Kenya, Uganda, Ethiopia, and Eritrea to undertake the task of peace negotiations, under the chairmanship of President Daniel arap Moi of Kenya. IGAD established a standing committee to find a peaceful resolution to the conflict in Sudan in 1994, and negotiations between the SPLM/A and the government began in Nairobi in the same year. Little progress was registered during the first round of negotiations however, because disagreements over the issue of southern self-determination prevented discussions from proceeding as the “...Sudanese government threatened to boycott if the issue of self-determination was on the agenda.”<sup>265</sup> As noted by Kosti Manibe, then a SPLM/A representative to the 2005 CPA talks, the issue of southern “...self-determination was not an option that the Khartoum Government was ever willing to consider.”<sup>266</sup>

Fearing another collapse in talks, the IGAD mediators assumed the role of arbitrators for the second round of negotiations, given the antagonism between the

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<sup>263</sup> UNHCR, 2009, “Update on Southern Sudan: Repatriation and Reintegration”, P.1 available at [www.unhcr.org/newsletter/update-on-southern-sudan-0109.pdf](http://www.unhcr.org/newsletter/update-on-southern-sudan-0109.pdf)

<sup>264</sup> Following the relative success in 1970s of the Comité Permanent entre Etats de la Lutte Contre la Secheresse dans le Sahel (CILSS), the states of the region were urged to form an intergovernmental authority to coordinate the fight against drought and famine. IGAD was launched at a summit in Djibouti where now it is based. The six founding members were Djibouti, Ethiopia, Kenya, Sudan, and Uganda. Eritrea joined on independence in 1993 and of course South Sudan now has a four-year-old membership having joined in independence in 2011. The assumption of a mediation role by IGAD marked a significant precedent in the history of the region, which had previously known more conflict than cooperation. The initiative launched in 1993 by the IGAD to achieve peace in Sudan became the focus of one of the most intensive collaborative international efforts ever mounted for such goals. International recognition was enhanced in late 1994 by the emergence of a new international group, the friends of IGAD, which comprised the USA, the Netherlands, the UK, Norway, Italy and Canada and which pledged support for IGAD’s peacemaking role. The Sudan peace initiative was formally adopted at the Fourth IGAD summit held in Ethiopia in September 1993. A peace committee made up of the heads of states and governments of Ethiopia, Uganda, Eritrea and Kenya was set up to over see the process, with Kenyan president Daniel arap Moi named as chairman.

<sup>265</sup> Soderbaum, F. (2010). *Regional Organisations in African Security*. p.74

<sup>266</sup> Interview with Kosti Manibe on 8 March, 2016, in Juba, South Sudan

two sides, and presented the parties with the Declaration of Principles (DoP). The overarching themes of the DoP included: making the unity of Sudan a priority, provided that there was a democratic and secular system of governance; the equitable distribution of resources, transitional arrangements; and the southern right to self-determination through an internationally supervised referendum.

Although the SPLM/A immediately endorsed the DoP, the Government delegation however was “...less than enthusiastic about the south’s demands, particularly the issue of self determination.”<sup>267</sup> Indeed, the DoP called for “...the rights of self- determination of the people of South Sudan to determine their future status through a referendum must be affirmed...”<sup>268</sup> The government was concerned that the inclusion of self-determination in the DoP would not only entitle southerners to the basic right to decide their fate as enshrined in the 1945 United Nations Charter, but it would also lead to a referendum “...that would all but guarantee the automatic secession of southern Sudan.”<sup>269</sup> In fact, the issue of self-determination had led to the collapse of the 1993 Abuja II talks, with Mohamed Al-Amin Khalifa famously stating during the Nigerian-led mediation that “...southern self determination will only be achieved by the barrel of the gun.”<sup>270</sup> As the SPLM/A’s representative to the Abuja II talks recalls, the issue of southern self-determination was forced onto the negotiating table “...as a result of Ethiopian and Eritrean pressure, which was later supported by the Ugandan and Kenyan representatives to the IGAD-mediated talks.”<sup>271</sup>

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<sup>267</sup> Op. cit. p.73

<sup>268</sup> The IGAD Declaration of Principles, Nairobi, Kenya. 20 May, 1994. p.2

<sup>269</sup> Interview with Kosti Manibe on 8 March, 2016, in Juba, South Sudan

<sup>270</sup> Khalifa, M. A. A, Remarks during the Abuja II Talks, 1993, Abuja, Nigeria

<sup>271</sup> Alor, D. (2016) Interviewed by Malual Ayom Dor, South Sudan, 8 March



It would take years of concerted effort by the IGAD delegates, tasked with finding ways of resolving the conflict, to exert enough pressure to drive the warring parties back to the negotiating table once again. The external pressure from IGAD as well as the internal pressures due to the deteriorating economy and the cost of the war forced the government to be more receptive to discussing southern self-determination. As the then USAID Sudan Program Director recalls “the terrible economic situation brought about by the civil war placed significant pressure on the Government of Sudan.”<sup>272</sup> The military balance had tilted in favour of the SPLM/A by 1997, which together with its new ally, the National Democratic Alliance (NDA)<sup>273</sup>, launched two major offensives, sweeping through much of the Eastern Equatoria region in the South and gaining much ground in Blue Nile Province, thus bringing war closer to the two important government centers of Juba in Equatoria Province and Damazin in Blue Nile Province. These offensives enjoyed the covert external support of the USA and neighbouring countries (Ethiopia, Eritrea and Uganda)<sup>274</sup>, despite their formally neutral status in charge of a negotiated solution to the conflict. Covert American support for the SPLM/A resulted from its more aggressive stance against terrorism due to the 1993 World Trade Center bombing. Sudan became a target of America’s anti-terrorism offensive as a result of its policy of hosting known terrorists such as Osama Bin Laden, Ayman al-Zawahri, Omer Abdel Rahman, and Carlos the Jackal through an umbrella organisation known as the Peoples’ Arab Islamic

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<sup>272</sup> D’Silva, B. C. Interviewed by Malual Ayom Dor, South Sudan, 8 March

<sup>273</sup> After the 1989 coup led by Omar Hassan Ahmed al-Bashir, the banned Northern political parties designed a common opposition strategy. Political leaders of Umma Party and Democratic Unionist Party initiated a dialogue with the SPLM that resulted in early 1990 in a formal alliance among the SPLM, the Umma Party, and the DUP. This grouping is known as the National Democratic Alliance (NDA).

<sup>274</sup> Akol, L. (2007). Southern Sudan: colonialism, resistance, and autonomy. Red Sea Pr., p.2

Congress (PAIC). The NIF's principal ideologue, Dr Hassan Al-Turabi, asked all regional. Islamist groups to: "...collaborate in order to establish a springboard state, designed to provide a base and launching pad for other conquests."<sup>275</sup>

By the late 1990s both the SPLM/A and the Government of Sudan were both ready to return to the negotiating table for differing reasons. The SPLM/A had gained significant advantages on the battlefield in the second half of the 1990s, which it hoped to leverage in order to achieve a favourable resolution to the conflict. Having lost significant ground on the battlefield, the government hoped to use peace in order to safeguard itself. These changed military realities pushed the two sides back to the negotiating table where the IGAD's DoP was unanimously endorsed as the basis for discussion, which became a turning point on the road to peace as "it was the first time ever in the history of attempted conflict resolution in Sudan where external mediators established operational goals for the negotiations. Without that initiative, the peace negotiations would have fizzled out as the countless negotiations that had preceded it."<sup>276</sup>

Although the SPLM/A's victories demonstrated that the movement was a force which the North could not ignore, its interests were largely viewed there as being primarily Southern – a view forcefully stressed in negotiations. For the government, allowing the SPLM/A to be viewed as a national resistance movement would prove problematic since it would allow the guerilla movement to appeal to the sympathies of other marginalised communities such as the people of Darfur, Blue Nile, Nuba Mountains and Wadi Halfa to the north of Sudan. The

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<sup>275</sup> Deng, War of visions. p.23

<sup>276</sup> Interview with Dr Mansuor Khalid, Juba, 23 April, 2013

SPLM/A on the other hand was keen to be an inclusive Sudanese movement that could represent all marginalised Sudanese people as evidenced by the SPLM/A's press statement in 1987 in which it stated "The East, West, and extreme northern part of the Sudan are in the same basket in terms of oppression and neglect by the central government."<sup>277</sup> The expansion of SPLM/A control into the border areas of the Nuba Mountains and the Southern Blue Nile region helped to bolster the SPLM/A's image as the movement for Sudanese irrespective of ethnic origin or religious affiliation. The secular approach of the SPLM/A sharply contrasted with the ideology of the NIF, which firmly believed that the state and religion were indistinguishable entities. Dr Francis Deng writes: "More than any other regime in the history of Sudan, the NIF has been the most uncompromising in its pursuit of the Islamic agenda."<sup>278</sup>

The NIF authorities viewed themselves firstly as Muslims and secondly as Sudanese. As one interviewee noted: "Islam is their salient identity, which they want to make the identity of the rest of the country."<sup>279</sup> This identity was to be imposed on everyone inside the country through force of arms, and a jihadist militia group – the Popular Defence Forces (PDF) – was to be the main vehicle for achieving the dream. In 1994 the NIF regime issued the Nationality and Passport Law, granting Sudanese citizenship to any Muslim prepared to accept the principles of an Islamic state.<sup>280</sup> With the gate to Sudan thus left ajar, alleged terrorists forced their way to Khartoum, which eventually became the Achilles

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<sup>277</sup> SPLM/SPLA Press statement on the causes and continuation of war in the Sudan after the overthrow of Dictator Nimeiri, January 13, 1987

<sup>278</sup> Deng, F. M. (2011). *War of visions: Conflict of identities in the Sudan*. Brookings Institution Press. p.4

<sup>279</sup> Ajak, O. D. (2013) Interviewed by Malual Ayom Dor, South Sudan, 3 June

<sup>280</sup> Ibid. p.23

Heel of the NIF since it led to the US government sympathizing with the difficulties that the southern Sudanese were facing, which led to the resettlement of 4,000 young southern Sudanese across the USA at the turn of the new century.<sup>281</sup> These youth, commonly known as the ‘lost boys’ of Sudan, represented the largest group of unaccompanied refugee minors to have been resettled in the USA, in search of better opportunities such as education. In the late 1980s, the Sudanese civil war had forced the lost boys to flee their villages firstly to the Ethiopian refugee camps of Itang and Dimo and then to the Kenyan Kakuma Refugee Camp following the overthrow of the Mengistu government in 1991. It was in the Kakuma Refugee Camp that their journey to the USA, with the help of the United Nations High Commission for Refugees (UNHCR), started. African-Americans and evangelical Christians were sympathetic with the plight of the predominantly Christian south and pressured the American government to help them by resettling the lost boys. The presence of the lost boys in the US helped to mobilize public opinion and draw attention to Sudan’s ongoing civil war.

The religious fervor of the NIF leadership proved to be problematic when the US shifted its attention from the war on communism to the war on terrorism in late 2001. Following the September 11, 2001 terrorist attacks on the US, President Bush declared war on terror in his address to a joint session of Congress where he remarked, “Our enemy is a radical network of terrorists and every government that supports them”, further observing that “Every nation, in every region, now

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<sup>281</sup> Geltman, P. L., Grant-Knight, W., Ellis, H., & Landgraf, J. M. (2008). The “Lost Boys” of Sudan: Use of health services and functional health outcomes of unaccompanied refugee minors resettled in the US. *Journal of Immigrant and Minority Health*, 10(5), pp.389-396

has a decision to make. Either you are with us, or you are with the terrorists.”<sup>282</sup> It was now clear that the NIF would have to soften its Islamic ideology in order to survive the shift in US policy. Having been previously designated by the US Department of State as a state sponsor of terrorism in August 1993, and the increased interest in Sudan by the US as a result of the September 11 attacks, the NIF’s radical religious stance could no longer survive. The shift in US policy favoured the SPLM/A as the Khartoum government was under increasing pressure to find a lasting solution to the protracted civil war. US pressure is well evidenced by the Sudan Peace Act, 2002, which was signed into law by President Bush on October 21, 2002 and recognized that “A viable, comprehensive, and internationally sponsored peace process, protected from manipulation, presents the best chance for a permanent resolution of the war, protection of human rights and a self-sustaining Sudan.”<sup>283</sup> It was now clear to the Khartoum government that negotiations were the preferred outcome and that continued attempts to impose its position militarily was not acceptable to the US government and the wider international community.

Pressure to find a solution to the civil war also emanated from Sudan’s neighbouring countries, which were hosting thousands of Sudanese refugees who had fled from the war. The destabilizing impact of hosting refugees “given the high levels of material and psycho-social deprivation”<sup>284</sup> made the search for peace a matter of urgency for Sudan’s neighbours. Indeed, as of 2006, Chad, Ethiopia, Kenya, the Central African Republic, the Democratic Republic of the

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<sup>282</sup> Bush, George W. Address to the Joint Session of the 107th Congress, United States Capitol, Washington D.C. September 20, 2001

<sup>283</sup> Sudan Peace Act, October 21, 2002. Public Law 107-245, 107th Congress

<sup>284</sup> Crisp, J. (2002), No Solutions in Sight: The Problem of Protracted Refugee Situations in Africa, The Center for Comparative Immigration Studies, University of California-San Diego p.16

Congo (DRC), and Uganda were providing shelter for over a million Sudanese refugees, including 240,000 Darfur residents driven from their homes by armed Janjaweed militias and the Sudanese military forces.<sup>285</sup> Furthermore, the economic cost of maintaining the war continued to rise, as Colonel Garang acknowledged over Radio SPLA:

“The war has drained our human and material resources. You cannot have a healthy economy when more than 20 million Sudanese pounds a day are devoured by the war machine. You cannot have economic stability when natural resources are unexploited because of the war.”<sup>286</sup>

On June 17<sup>th</sup>, 2002, in a conference room filled with a frigid atmosphere of suspicion, IGAD delegates gathered in Machakos, 70 kms outside Nairobi, to design a road map to a peaceful resolution of the North-South conflict. Minister Idris Mohammed and Nhial Deng Nhial represented the Sudanese government and the SPLM/A respectively. Not only had the on-going conflict heightened the level of suspicion between the two warring sides, but some of the non-Sudanese delegates were partisan supporters of one side or the other – a factor which, in turn, introduced yet another level of complexity into the negotiations and regionalized the Sudanese civil war. The neutrality expected of the delegates proved to be an exercise in futility for each of the states concerned had disputes with its neighbours. The Ugandans, for instance, were in conflict with the Government of Sudan over the Lord’s Resistance Army, which was fighting the Ugandan government from its bases in Sudan. The Sudanese government and

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<sup>285</sup> CIA. World Factbook. Release 18 December 2008 available online at <https://www.cia.gov/library/publications/download/download-2008/>

<sup>286</sup> SPLA Radio broadcast to the Sudanese people on the continuation of the war after the overthrow of Sadiq El Mahdi by Omer el Bashir, August 9th 1989

Eritrea maintained suspicions as “Eritrea started to support the Sudanese armed and non-armed oppositions, such as the National Democratic Alliance of the Sudan, whereas Sudan supported Islamist armed Eritrean oppositions.”<sup>287</sup>

**Figure 10: NDA Logistics Routes from Eritrea**



*Figure 10 illustrates Eritrean support routes to the DA. The NDA was comprised of a*

<sup>287</sup> Gebrewold, B. (2009), *Anatomy of Violence: Understanding the systems of conflict and violence in Africa*, Ashgate, p.184

Peace settlement theorists such as Janice Stein believe that, for negotiations to be effective, the issues to be resolved must be clearly identified and separated from non-resolvable issues.<sup>289</sup> In an absence of clear guiding principles, however, the Sudanese negotiations became bogged down over petty issues and degenerated into a tedious affair. As Deng Alor Kuol recalls “Finding common ground with the Government of Sudan proved extremely difficult. It was only after both parties received sustained diplomatic pressure that we were able to come to an agreement.”<sup>290</sup> To assist proceedings, the former American president, Jimmy Carter, lent much-needed support to the chief mediator, General Sumbeiywo, advising him on ways to stay focused by suggesting that the mediators draft a single negotiating text to serve as the cornerstone from which all subsequent talks could be built. Acting on this advice, the chief mediator drafted a single negotiating non-paper dubbed ‘one country, two systems’. The mediators began the task of compiling the key issues of the Declaration of Principles into a Single Negotiating Text, which would provide the parties with a basis from which to negotiate. Looking back at his experience mediating the Sudan peace negotiations, General Sumbeiywo recalls that, for a negotiation to be successful, mediators must “...help the parties build their own capacity to negotiate credible agreements. The conceptualization has to come from the parties themselves rather than from the mediator.”<sup>291</sup>

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<sup>288</sup> Map drawn to the author’s specification by Mr. Sebastian Ballard in Hampshire, England in April, 2016

<sup>289</sup> Stein, J. C. in Zartman, I. W. The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments, *The Global Review of Ethnopolitics*, Vol. 1, No. 1, September 2001, p.15

<sup>290</sup> Alor, D. (2016) Interviewed by Malual Ayom Dor, South Sudan, 8 March

<sup>291</sup> ACCORD, The mediator’s perspective: An interview with General Lazourous Sumbeiywo, (2006),



The ingredients of the Single Negotiating Text included issues pertaining to the transitional period and the pre-transitional period, as well as to the need for a process of reconciliation and for the equitable sharing of natural resources. The text stopped short of stressing the right to self-determination or a possibility of secession for the South, as the SPLM/A would have preferred because this would have stirred up a hornet's nest. According to Deng Alor Kuol, "The delegation of the Government of Sudan was not willing to entertain any notion of southern self-determination, which they equated to automatic southern secession."<sup>292</sup> The SPLM/A however viewed the removal of self-determination from the agenda as undoing the gains of the Declaration of Principles. As General Sumbeiywo recalls, "The SPLM/A was furious and the United States hit the roof" when the issue of self-determination was omitted from the agenda of the negotiations.<sup>293</sup> For the SPLM/A, the removal of self-determination from the agenda of the negotiations was a red line since it had compromised on the issue of maintaining Sharia Law as the legal system in the Republic of Sudan. Having used the AAA as a learning experience, the SPLM/A was keen to ensure that it did not make similar mistakes when negotiating with the Government of Sudan. Mansour Khalid recalls that "having gone through various trials and errors in autonomous governance, the SPLM/A's steadfastness during negotiations in demanding full-fledged autonomy should not have come as a surprise."<sup>294</sup>

The SPLM/A had always insisted on the removal of Sharia Law from the

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p.27

<sup>292</sup> Alor, D. (2016) Interviewed by Malual Ayom Dor, South Sudan, 8 March

<sup>293</sup> Sumbeiywo, L. (2013) Interviewed by Malual Ayom Dor, South Sudan, 16 April

<sup>294</sup> Khalid, M. (2013) Interviewed by Malual Ayom Dor, South Sudan, 23 March

constitution as the condition for participating in any peace initiative and the refusal of the Sudanese Government to accept this demand had always been the cause of deadlock in talks between the two sides. For southerners, “if unity becomes a basis for oppression, subjugation, and indignity, then it cannot be legitimate”<sup>295</sup> and other avenues such as self-determination would need to be explored. In such circumstances therefore, the South would be left with no option but to choose to separate from the rest of the country, but the conditions for an amicable divorce from the North ought, the SPLM/A believed, to be determined in the peace negotiations. The SPLM/A believed, in any case, that the division of the country was imminent unless separation of state and religion could be effected.<sup>296</sup> Since most of the legitimacy enjoyed by the National Islamic Front (NIF), the party representing the government of Sudan at the negotiations, and their appeal to the masses emanated from this religious principle enshrined in the constitution, its position on the issue of separation of state and religion was immovable; the two parts of Sudan were inseparable, as it had always maintained since it came to power. The mediators also appeared inadequately informed over the root causes of the North-South conflict; causes which were as complex as the challenges of resolving them. As a result, several of the SPLM/A delegation expressed the following views to the mediators during heated debates concerning the identity of the people of the north and south of Sudan: “We are not Arabs; we are a separate people. The names of those in the South are not Islamic. They are Christian.”<sup>297</sup> In response to the sentiments of the SPLM/A delegation, the government delegation highlighted that by agreeing to negotiate, they too had

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<sup>295</sup> Deng. F. War of Visions. p.6

<sup>296</sup> Waihenya, W. (2006). The Mediator: Gen. Lazourous Sumbeiywo and the Southern Sudan Peace Process. East African Educ Press. p.86

<sup>297</sup> Sumbeiywo, L. (2013) Interviewed by Malual Ayom Dor, South Sudan, 16 April

made a significant compromise, pressing upon the SPLM/A to compromise on the issue of Sharia Law. Indeed, for the government delegation, “...choosing peace was a risky business, but we have taken it.”<sup>298</sup>

Fearing another collapse, the chief mediator was advised to allow the two teams to tough out their disagreements with words – their weapons had been luckily left behind in Sudan. In order to protect the peace talks from collapse, General Sumbeiywo adopted a new approach to mediation in which he asked the parties to respond to the following questions “What does it mean to be an African? What does slavery mean to you? What does self-determination mean to you?”<sup>299</sup> The negotiators’ heartfelt responses lowered the tension even if they did not moderate their positions. As General Sumbeiywo remarked “Although positions still continued to harden there was at least a ray of light.”<sup>300</sup> Eventually a compromise was reached and a single negotiating text was produced, known officially as the Machakos Protocol, which would provide the framework from which the CPA would eventually be derived.<sup>301</sup> The Machakos Protocol, which was signed in the Kenyan town of the same name on the July 20, 2002 included two key elements: the separation of religion and state for the people of Southern Sudan; and the possibility of self-determination for the people of Southern Sudan, who would then be able to decide their destiny in a referendum.

Having agreed to include self-determination in the Sudanese peace negotiations, the parties then turned their attention to discussing the length of the transitional

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<sup>298</sup> Ibid

<sup>299</sup> Ibid

<sup>300</sup> Ibid

<sup>301</sup> See Annex 1

period and the timing of the proposed southern vote on whether to separate from the north. The Sudanese government wanted the referendum to take place after ten years while the SPLM/A demanded a two-year transitional period. As Kosti Manibe recalls:

“Finding a compromise for the timing of the referendum proved difficult for negotiating parties. Ultimately, the mediation team took the mean of the sum of the years suggested by the negotiating parties and thereby determined that the date for the plebiscite on self-determination would be six years after the signing of the CPA.”<sup>302</sup>

This was a major breakthrough because it marked the first time since 1997 that the two parties would be able to sign a peace agreement.<sup>303</sup> This culminated in the signing of CPA on the 9<sup>th</sup> of January 2005.

The pitfalls of the AAA in 1972 guided the SPLM/A’s approach to negotiating the CPA in 2005. Although Anyanya fought for the creation of an autonomous Southern Sudan, the AAA was silent on the issue of self-determination. Furthermore, the High Executive Council <sup>304</sup> and the People’s Regional Assembly<sup>305</sup>, which were both established by the AAA, were not involved in decisions of concerning military, fiscal or international matters. Moreover, the AAA empowered President Nimeiri to appoint and relieve the president of the High Executive Council, thus essentially taking away the southern region’s ability

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<sup>302</sup> Manibe, K. (2016) Interviewed by Malual Ayom Dor, South Sudan, 8 March

<sup>303</sup> Deng, War of Visions. F. p.6

<sup>304</sup> The AAA established the High Executive Council (HEC) to govern the semi-autonomous Southern Sudanese region. The HEC was headed by a President, who also doubled as the Vice President of Sudan

<sup>305</sup> The AAA established the People’s Regional Assembly to serve as the legislative body in the semi-autonomous Southern Sudanese Region

to select its own leader. Aware of these shortcomings in the AAA, the SPLM/A focused its engagement with the Government of Sudan on the following six thematic areas:

- 1) *Self-determination*: The South was given the opportunity to become independent through a referendum in 2011; until the referendum, the South was to have autonomy status within Sudan;
- 2) *Power-sharing*: The leader of the SPLM was to be the first vice-president of Sudan as well as being the president of the government of South Sudan; 28% of the seats in the Government of National Union were to be given to the SPLM and elections were to be conducted in 2009;
- 3) *Wealth-sharing*: Revenues from the oil in the South were to be shared on a 50:50 basis between the North and the South of the country;
- 4) *Religious freedom*: Sharia Law was to be applied only in the North of the country and only to Muslims;
- 5) *Security arrangements*: The Sudanese Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA) would be the only legal armed groups in the country; they should remain separate from each other although some integrated units were to be formed; the government would withdraw 91,000 troops from the South within two and a half years of the signature of the CPA and the SPLA would have eight months to withdraw its troops from the North;
- 6) *Financial freedom*: The North and the South were to have separate banking systems and currencies.<sup>306</sup>

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<sup>306</sup> CPA. "Comprehensive Peace Agreement between the Government of the Republic of Sudan and the Sudan People's Liberation Movement/ Sudan People's Liberation Army" <http://www.pcr.uu.se/gpdatabase/peace/Sud%2020050109.pdf>

The CPA was certainly ambitious in its scope in seeking to resolve two decades of war and a much longer history of economic, social and political marginalization for South Sudan. The agreement addressed the issue of modalities of implementation by providing for forty new commissions charged with overseeing its implementation. For the SPLM, this desire for detail was driven by its memory of the failure of the 1972 AAA.<sup>307</sup> Jobbins correctly observes that the SPLM entered the 2005 Naivasha<sup>308</sup> talks with a long memory, seeking a longer and more elaborate understanding on the transition period necessary for the new agreement to come into operation.<sup>309</sup> In addition, the beginning of new negotiations in early 2002, which were eventually to lead to the CPA were marked by a phase in the negotiating process when both parties had to adopt a pragmatic attitude towards each other and had to accept concessions. In this respect the experiences of the SPLM/A were quite different from those its predecessors had lived through with the AAA in 1972 when it was they who had to concede to the intransigence of Northern negotiators.

What was responsible for this attitudinal change? Zartman<sup>310</sup>, one of the leading authorities on how peace-agreements are negotiated, argues that settlements are achieved when the *moment is ripe* and belligerents reach a *mutual hurting* stalemate. Ripeness is a situation in which conflicting parties are prepared for peace making. The focus of the theory is essentially on the timing of conflict

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<sup>307</sup> Jobbins, M. (2006), The CPA Implementation: Taking Stock in Conference Proceedings from September 11th, 2006 Symposium entitled: Sudan's Peace Settlement Progress and Perils., p. 7. Available on line at [http://www.wilsoncenter.org/sites/default/files/Africa\\_Sudan\\_CPA\\_rpt\\_bookletpdf](http://www.wilsoncenter.org/sites/default/files/Africa_Sudan_CPA_rpt_bookletpdf). Accessed on December 29th 2013

<sup>308</sup> Naivasha is a town in Kenya, where the final documents making up the CPA were signed.

<sup>309</sup> Jobbins, Mike. (2006). The CPA Implementation, p. 7

<sup>310</sup> Zartman, I. W. (2000). Ripeness: The hurting stalemate and beyond. International conflict Resolution after the Cold War, pp.109-116

resolution attempts rather than on the content of the proposals for a solution. According to Zartman, timing is a key consideration as substantive answers are fruitless until the moment is ripe.<sup>311</sup> In other words, timing is more important than the content of peace proposals. According to Kelly, identifying this period of ‘ripeness’ is the first step to successful peace negotiations.<sup>312</sup> So was the Sudanese conflict ripe for resolution when negotiations for the CPA actually began? Recent assessments of the CPA contradict the basic principles of the theory of ripeness. For instance, Wennmann argues that the CPA was not brought about because of any “mutually hurting stalemate but rather a strategy to gain at the negotiation table what could no longer be won on the battlefield.”<sup>313</sup> This perspective implies, therefore, that the move from violence to the negotiating table represented a deliberate option and strategy chosen by the two parties, both of whom made concessions in a bid to maintain political power in their respective domains of sub-national dominance by sharing national power between them. In fact, the research community is divided as to the efficiency of power-sharing, as, quite apart from allowing each of the two protagonists to preserve superiority in specific domains through the process of power-sharing, this might also work as a necessary compromise between the warring parties, reflecting their military capabilities, which could help to secure commitment to an accord and thereby assure the security of the weaker parties.<sup>314</sup> As Brosché suggests, “One positive asset with power sharing is that it can build trust between former enemies, but if

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<sup>311</sup> Ibid

<sup>312</sup> Kelly, B. C. N. (2007). *Ripe Without Warning: Israel and Egypt 1967-1973*. Social Research Centre. African Journal of Political Science and International Relations. Vol. 2 (1) American University in Cairo. Egypt, Cairo. p.13 available online at <http://www.academicjournals.org/AJPSIR>

<sup>313</sup> Wennmann, A. (2009). *Wealth sharing beyond 2011: economic issues in Sudan's North-South peace process*. CCDP. p.18

<sup>314</sup> Brosché, J. (2009). *Sharing Power-Enabling Peace? Evaluating Sudan's Comprehensive Peace Agreement 2005*. p.13

an exit option of this cooperation is included in the agreement, the potential for trust-building is reduced; power-sharing agreements should thus preferably not include such options.”<sup>315 127</sup> Out of 83 peace agreements signed between 1989 and 2004, 70 involved power sharing.<sup>316</sup> Walter suggests that this is a mechanism that can be used to resolve commitment problems in a context of severe mistrust. In her examination of power-sharing, she finds that parties are 38% more likely to sign an accord if it includes a guarantee to be part of the future government.<sup>317</sup> This perspective implies, therefore, that the move from violence to the negotiating table represented a deliberate option and strategy chosen by the two parties, both of whom made concessions in a bid to maintain political power in their respective domains of sub-national dominance by sharing national power between them. In fact, the research community is divided as to the efficiency of power-sharing, as, quite apart from allowing each of the two protagonists to preserve superiority in specific domains through the process of power-sharing, this might also work as a necessary compromise between the warring parties, reflecting their military capabilities, which could help to secure commitment to an accord and thereby assure the security of the weaker parties.<sup>318</sup> As Brosché suggests, “One positive asset with power sharing is that it can build trust between former enemies, but if an exit option of this cooperation is included in the agreement, the potential for trust-building is reduced; power-sharing agreements should thus preferably not include such options.”<sup>319</sup> Out of 83 peace agreements signed between 1989

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<sup>315</sup> Ibid

<sup>316</sup> Jarstad, A. K., & Nilsson, D. (2008). From Words to Deeds: The Implementation of Power-Sharing Pacts in Peace Accords. *Conflict Management and Peace Science*, 25(3), pp.206-223.

<sup>317</sup> Ibid

<sup>318</sup> Hartzell, C.A., and Hoddie, M. (2007). *Crafting Peace Power-Sharing Institutions and the Negotiated Settlement of Civil Wars*. University Park, Pennsylvania: Pennsylvania State University Press. p.64

<sup>319</sup> Brosché, J. (2008). CPA–New Sudan, Old Sudan or Two Sudans? A Review of the Implementation



and 2004, 70 involved power sharing.<sup>320</sup> Walter suggests that this is a mechanism that can be used to resolve commitment problems in a context of severe mistrust. In her examination of power-sharing, she finds that parties are 38% more likely to sign an accord if it includes a guarantee to be part of the future government.<sup>321</sup> Hartzell and Hoodie (2007) argue that settlements with power-sharing and power-dividing elements are more likely to generate enduring peace.<sup>322</sup>

Zartman's ripeness theory claims that conflicts are resolved once the moment is 'ripe'. The reliance on a 'ripe' period serves to ensure that the conflict is never at fault if a conflict remains unresolved, as failure to resolve conflict is intrinsically linked to failure to spot ripeness. This removes the importance of the quality and skill of negotiators and mediators who may be involved in finding peaceful solutions to a conflict. Looking at the CPA, it is clear that its success was a result of multiple factors. The war fatigue experienced by the warring parties can be inferred as a mutually hurting stalemate. However, other factors, such as international pressure, the economic cost of maintaining a war and regional political changes, all played a significant role in ending the Second Sudanese Civil War.

Although the CPA catered for the continued political dominance in Northern Sudan of the NCP, the effective single political party in Sudan prior to the CPA, until elections were held there, it also provided for a significant opening of

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of the Comprehensive Peace Agreement. *Post-Conflict Peace-Building in the Horn of Africa*, edited by UJ Dahre. Department Of Social Anthropology, Department Of Political Science, Lund University: Media-Tryck Sociologen, pp.231-252.

<sup>320</sup> Brosché. *Sharing power*. p.13

<sup>321</sup> Brosché, CPA. pp.231-252.

<sup>322</sup> Ahmed, E. (2009). *The Comprehensive Peace Agreement and the dynamics of post-conflict political partnership in Sudan*. *Africa Spectrum*, pp.133-147

political space, and the sharing of state power and wealth previously controlled by the NCP with the SPLM/A in the South. Brosché observes that the threat of democratic elections for the broadly unpopular NCP, and the expected Southern vote for independence, appear to have left the NCP with little hope of peaceful political survival unless it changed its political strategy.<sup>323</sup> Brosché also disagrees with Wennman since he argues that, “When the CPA was signed, the moment was ripe and GoS and SPLM/A had indeed reached a *mutual hurting stalemate*, largely due to external pressure, especially as the United States had given priority to the issue.”<sup>324</sup> He adds that the experience of the CPA process suggested that involving both regional actors and the broader international community could constitute a fruitful approach towards reaching an agreement.<sup>325</sup> He adds that the experience of the CPA process suggested that involving both regional actors and the broader international community could constitute a fruitful approach towards reaching an agreement.<sup>326</sup>

Indeed, the role of international actors appears to have been crucial, as Einas (2009) has affirmed in pointing out that regional and international actors pressured Sudan’s adversaries into joining the dialogue for a peace agreement by helping to resolve a mutual hurting stalemate through their intervention.<sup>327</sup> Apart from external pressure, another mutual hurting stalemate also figured prominently; for both the SPLM and the NCP realised that a military victory

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<sup>323</sup> Brosché, J. (2008). CPA–New Sudan, Old Sudan or Two Sudans? A Review of the Implementation of the Comprehensive Peace Agreement. Post-Conflict Peace-Building in the Horn of Africa, edited by UJ Dahre. Department Of Social Anthropology, Department Of Political Science, Lund University: Media-Tryck Sociologen, pp.231-252.

<sup>324</sup> Ibid

<sup>325</sup> Brosché. Sharing power. p.13

<sup>326</sup> Brosché, CPA. pp.231-252

<sup>327</sup> Ahmed, E. (2009). The Comprehensive Peace Agreement and the dynamics of post-conflict political partnership in Sudan. Africa Spectrum, pp.133-147

could not be achieved. This, in itself, facilitated an atmosphere of commitment to a peace deal. Quite apart from considerations of stalemate and international pressure, other factors were crucial to the process and success of the negotiations of the CPA. Chief amongst these was a question of leadership. As Einas (2009) further points out, “Apart from international pressure, the CPA would probably not have been concluded successfully if it had not been for the personal ambitions of the main two negotiators, the late Garang and the current Vice President Taha.”<sup>328</sup> Jobbins (2006) agrees that, “Though a success for the international community, the CPA was nonetheless a Sudanese agreement, and appeared to be a major step forward by the leadership both of the rebel Sudanese People’s Liberation Movement (SPLM) and the National Congress Party (NCP)-led government.”<sup>329</sup>

In addition, future difficulties in the implementation of the CPA were anticipated during the negotiation process, so that different strategies were developed to try to overcome them. The strategy of the IGAD mediation team and its international partners was to balance the NCP’s expected reluctance to implement the CPA by having a strong SPLM minority partner in the national government, and by using the continued engagement of the international community to guarantee the agreement (ICG, 2006).<sup>330</sup> As the International Crisis Group argued in 2009, “The SPLM’s main strategy for ensuring the implementation of the CPA was to maintain a strong and credible military threat against an NCP abrogation of the agreement. This was cemented in the CPA by allowing the SPLA to remain a

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<sup>328</sup> Ibid

<sup>329</sup> Jobbins. The CPA, p.7

<sup>330</sup> Sudan’s Comprehensive Peace Agreement: The Long Road Ahead, International Crisis Group Africa Report N°106, 31 March 2006, p.1

separate army alongside the SAF.”<sup>331</sup> This strategy was a result of the lessons learned from the AAA when the Anyanya rebels had unsuccessfully demanded a separate army to protect the Agreement from the machinations of adventurers in Khartoum who might attempt to destroy it. Had the SPLM/A failed in ensuring that a separate army would be created, the CPA would not have been signed.

There were problems over implementation, too. For example, three years of almost daily contact at the Naivasha negotiations did build significant trust between the representatives of the two parties but this appeared to dissipate during the implementation phase (Borsche, 2009). Newman and Richmond (2006) reported that, the lack of adequate political institutions and their poor performance become spoiling factors as political institutions emanating from the CPA are the victims of disagreements between the peace custodians, namely the NCP and SPLM. Wassara (2009) argues that the CPA provided for the institutions, which were crucial in creating a new political environment after a prolonged period of social disharmony in the Sudan. However, it has been the problem of attitudes that hindered progress in establishing the necessary political institutions. The main challenges were to banish distrust and fear among the custodians of the CPA in the competition for influence and control in the territories where they prevailed. These were all psychological barriers to the implementation of the agreement, which contributed to the underdevelopment of functional institutions through which its provisions could be implemented.

The final issue of implementation was, in a sense, the culmination of the CPA

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<sup>331</sup> Ibid. p.11

itself, for it involved a popular exercise for self-determination in January 2011. Yet the political environment was less than encouraging for such a bold decision. Why, then, did South Sudan's population choose that option amidst impediments such as violence in the borderlands or the fact that South Sudan was a land-locked region, and faced massive underdevelopment? Southern Sudanese viewed self-determination, despite all the challenges it might present, as an end to the internal colonialism created by political, administrative, educational, economic, social and religious subjugation. For Issam Mohamed, southern Sudanese selected secession because they did not want to live under the yoke of a merciless regime that did not recognize agreements, treaties or the human rights of minorities, different religions, race or colour.<sup>332</sup>

In a more recent analysis, McEvoy and Lebrun (2010), in *Uncertain Future! Armed Violence in Southern Sudan*, highlighted current and probable future sources of insecurity as the country moved toward national elections and the referendum. These included a contested North-South border, potential failure to hold a referendum, a unilateral declaration of independence by the South in protest at election or referendum rigging; and failure to implement the results of a referendum. Young argued, on the other hand, that neither the government nor the SPLM/A expected the CPA to be honoured, as negotiators on both sides were playing a complicated game of positioning themselves, each expecting the worst of the other.<sup>333</sup>

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<sup>332</sup> Mohamed, I A. W. (2012), "Review of the Comprehensive Peace Agreement: Fruits of Southern Secession, Calamitous Wars and the Disintegration of Sudan, May 11, 2012). Available at SSRN:<http://ssrn.com/abstract>. Accessed on November 20<sup>th</sup> 2013

<sup>333</sup> Young, J. (2012). *The Fate of Sudan: The Origins and Consequences of a Flawed Peace Process*, (London, Zed Books). p.32

### Analytical Oversights With Respect to the AAA and the CPA

Indeed, the reality is that the CPA was eventually successfully implemented and the new state of South Sudan was born. The question then arises as to why and how analysts, such as Young, were so wide of the mark in the pessimism that they demonstrated about its probable failure. In effect, while some studies have determined that security issues were relevant to the explanation of failures of peace agreements in Sudan, none of them have looked specifically into the evolution of the role of the military as decisive in their collapse or survivability. In other words, it was the acquisition by the SPLM/A's leaders of an understanding of how to develop an effective solution to the conflict that explained why the AAA failed whereas the CPA was to succeed. In short, neither can the collapse of the AAA be adequately explained simply by defects in guarantees for South Sudanese self-determination, nor can the survivability of the CPA be explained by a sufficiency of guarantees for self-determination for the South.

One reason for this is a consequence of analytical method. Most studies on negotiation processes combine both theoretical and empirical approaches, pointing to the specific characteristics of the issues under dispute and to the nature of conflict to clarify the degrees of difficulty involved in negotiating a peaceful end to conflict. They argue that identity or ideological issues, for instance, are more difficult to resolve than economic or political issues because they provoke deeper levels of commitment and are less amenable to compromise.<sup>334</sup> Licklider<sup>335</sup>, for instance, points to arguments supporting the

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<sup>334</sup> Rothchild, D. 'An interactive Model for State-Ethnic Relations' in Deng, F M and I. William

proposition that it is more difficult to negotiate identity issues than economic or political issues. Francis Deng, a prominent Sudanese scholar who has written extensively on national identity issues in the Sudanese conflict, supports this argument.<sup>336</sup> Indeed, the difficulties in resolving the issue of identity led the SPLM/A and the Government of Sudan to agree on separate governance systems that saw the South being administered as a secular region and the North applying Sharia Law. Reaching such a compromise took a significant period of time. In 1972, however, the AAA took less than two weeks to conclude, despite the fact that the issue of identity having been at the centre of the First Sudanese Civil War.

It can also be argued that the difficulty in negotiating the CPA was partially due to the parties' insistence on a particular sequencing of issues, as well as an insistence on establishing agreements on implementation modalities, modes of negotiation and the restricted natures of mandates given to the negotiating teams. In other words, the CPA was a much more comprehensive agreement than its predecessor, the AAA. These procedures were all measures taken by the SPLM to avoid repeating past failures. Many groups in the South shared the view that the Government of Sudan, which had, over the years, participated in a number of negotiated agreements, basically as a means for lessening military, diplomatic or political pressure on it, would never implement a full-blown peace agreement. Even the SPLA foot-soldiers, singing in Dinka, echoed this sentiment: "*Arepee jam be tipaklooi, cii Jon be gam; bi gam kadikuce paandaria akketheer ci rot*

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Zartman, (1991). (eds.), Conflict Resolution in Africa..Washington, D.C: Brookings Institution, pp.201-203

<sup>335</sup> Licklider, R. (1993). (ed.). Stopping the Killing: How Civil Wars End.(New York NY: New York University Press), p.21

<sup>336</sup> Deng & Zartman, eds. Conflict Resolution in Africa. pp.75-92

*beer nyok,*” “The government of Sudan calls for peace talks but John will not reciprocate because that ‘yesterday’s event’ must not be allowed to repeat itself.”<sup>337</sup> ‘Yesterday’s event’, incidentally, is code for the AAA.

During the negotiations for the CPA, the challenge for the SPLM/A delegation was to establish how to negotiate more effectively in order to prevent the past history of non- implementation of negotiated agreements from repeating itself. It can be argued that the difficulties that arose in the negotiations leading to the CPA were due to this fear of a repetition of the experience of the AAA – not merely because identity issues, which admittedly dominated the talks, were inherently so difficult to resolve, as conflict resolution literature suggests. The SPLM/A delegates to the peace talks had learned that what mattered was not simply the process of reaching an agreement but how it was reached in terms of the identities and interests of the parties involved in the mediation, the sequencing of issues at the negotiating table and the successful negotiation of implementation modalities.

Existing research on conflict and peace in Sudan has focused on the role of socio-economic politics and leadership, together with the process of peace negotiation, as the main factors behind the failures of peace agreements there. Studies on the CPA have tended to be limited to its weaknesses and no research so far has looked into the links between the structure adopted in the CPA and past events. In other words, for the SPLM/A, at least, negotiating techniques as applied in the construction of the CPA were the consequence of a learning process that had been

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<sup>337</sup> John Garang, the leader of the SPLM/A 1983-2005



defined by past failure. Indeed, the role of learning in the negotiations, which eventually led to the CPA has been virtually absent in the current literature. Approaches by conflict resolution theories such as Greed Theory, Identity Theory and the Ripeness Theory fail to analyse the role of learning in peace negotiations. This omission prompts questions as to the degree to which current literature in the field of conflict resolution can be applied to the CPA negotiation process.

### Chapter Conclusion

The history of Sudan has been one of tension between the peoples of the northern and southern regions of the country. For the Turko-Egyptian rulers, Sudan was rich in both natural and human resources that could be exploited for financial gain. Since the Quran forbade the use of Muslim slaves, the Turko-Egyptian administration turned their attention towards the people of southern Sudan who, up until that point, were practicing traditional religious beliefs. For the Turko-Egyptian administration, enslaving southern Sudanese was acceptable and was ultimately made possible as a result of collaboration between the Turko-Egyptian administration and the northern Sudanese region. The slave trade was extremely profitable and “...enhanced the position of the traders, who were generally northerners.”<sup>338</sup> Ultimately, this debilitating trade, which was “accompanied by force and violence”<sup>339</sup> sowed the seeds of animosity and “...deepened the racial divide between Northern and Southern Sudan.”<sup>340</sup> The sense of divide between the peoples of northern and southern Sudan, which was buttressed by the slave

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<sup>338</sup> Embassy of the Republic of Sudan, The Turco-Egyptian Period and the consolidation of Islam, available online at <http://www.sudanembassy.org/index.php/the-turco-egyptian>

<sup>339</sup> Breidlid, A. (2014) A Concise History of South Sudan: New and Revised Edition, Fountain Publishers, p.115

<sup>340</sup> Ibid. p166

trade, left the southern Sudanese feeling discontented with their neighbours to the North. For Francis Mading Deng, the slave trade resulted in southerners associating their northern countrymen “...with nothing less than the total destruction of their society.”<sup>341</sup>

With the defeat of Mahdiyya in the Battle of Omdurman in 1898 the Anglo-Egyptian Condominium became responsible for administering Sudan. Through British influence, the new colonial administration sought to eradicate the slave trade and to curb the encroachment of Islam into the southern regions of Sudan. As Francis Mading Deng observes:

“The British sought first to suppress the trade in slaves through their influence on the Turko-Egyptian administration, then after the re-conquest of the Sudan in 1898, to abolish it; also, British occupation meant that the North’s efforts to spread Islam southwards were confined to urban centers and in the end were significantly frustrated.”<sup>342</sup>

Despite the success of the Anglo-Egyptian Condominium in stamping out slavery in Sudan, the differences between the northern and southern Sudanese persisted as a result of the manner in which the two territories were administered by the new colonial administration. The Anglo-Egyptian era saw the colonial administration institute the Closed District Ordinance, popularly known as the British Southern Policy, which sought to curb Arab influence in southern Sudan. Instead, the Southern Policy “...attempted to preserve the culture and language of the non-

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<sup>341</sup> Deng, F. M (2001) Sudan – Civil War and Genocide: Disappearing Christians of the Middle East, Middle East Quarterly, Winter 2001. pp.13-21

<sup>342</sup> Ibid

Arab majority in the Sudan.”<sup>343</sup> Although the colonial administration believed that the Southern Policy would benefit the people of southern Sudan because of the “...asymmetrical historical developments in the Sudan before the British invasion”<sup>344</sup>, the Policy ultimately exaggerated the differences between the north and south Sudan.

In 1956, the colonial administration granted Sudanese independence with the result that the northern Sudanese elites inherited control of Sudan’s affairs. Once again the people of southern Sudan found themselves marginalized at the expense of their northern countrymen. There was a feeling amongst the southern Sudanese that a disparity in development and education existed between the northern and southern parts of Sudan, which excluded the southern Sudanese from effectively engaging in the administration of independent Sudan. In a petition forwarded to the British governor-general by the co-founder of the Liberal Party, Abdel Rahman Sule, southerners observed that “We in the South are still undeveloped economically, socially and politically.” The petition went on to say that southerners had no other option but to “...ask for federation with the North. Failing to federate, we shall ask as an alternative for the appointment of a high commissioner from the British Foreign Office to administer the South.”<sup>345</sup> The discontent faced by the southerners as a result of this continued marginalization led to the birth of Anyanya, which waged a war against the Sudanese government from 1955-1972.

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<sup>343</sup> Mayo, D. N.N, (1994) *The British Southern Policy in Sudan: An Inquiry into the Closed District Ordinances (1914-1946)* Northeast African Studies, Volume 1, Numbers 2-3, 1994, Michigan State University Press, p.167

<sup>344</sup> Ibid. p.165

<sup>345</sup> Johnson, D. (2014), *Federalism in the History of South Sudanese Political Thought*, Rift Valley Institute, p.9

The AAA brought an end to the first Sudanese civil war, also known as the Anyanya War. As part of the agreement, southern Sudan was given limited regional-autonomy whereby southerners were now able to administer their own affairs. Nevertheless, the shortcomings of the AAA, partly due to the manner in which the agreement was negotiated, allowed the central government to regularly interfere in the affairs of the south culminating in President Nimeiri using his constitutional powers to “...override and then abolish the Southern Region.”<sup>346</sup>

The failure of the AAA resulted in the people of southern Sudan turning once more to arms in order to fight for a new political dispensation in the Republic of Sudan under the banner of Dr John Garang De Mabior’s SPLM/A. Initially fighting for a secular Sudan, the SPLM/A eventually turned its attention towards the possibility of southern cessation from its northern neighbour. The government initially refused to engage in dialogue concerning possible southern cessation, but both regional and international realities forced the Government of Sudan to eventually accept southern self- determination, which was the final outcome of the CPA.

Unlike the AAA, the CPA was the culmination of a series of negotiations between the SPLM/A and the Government of Sudan. Furthermore, the CPA involved a number of regional and international actors, which applied the necessary diplomatic pressure to both sides and helped to focus the scope of the negotiations. Having learnt from the failure of the AAA, the SPLM/A sought to

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<sup>346</sup> Ibid. p.18

ensure that the CPA was a more detailed agreement which addressed the various concerns of the people of the south, namely: clearly defined power-sharing; inclusive governance; wealth-sharing and comprehensive security arrangements. For Dr John Garang, the CPA “At the political level, this peace agreement affirms the right to self of self determination for the people of South Sudan.”<sup>347</sup>

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<sup>347</sup> Dr John Garang De Mabior’s address during the signing ceremony of the CPA, Nairobi, Kenya, 9<sup>th</sup> of January, 2005

## Chapter 4: The Internal Constituency and Organisation of the SPLM/A

The CPA could not have been achieved without the SPLM/A developing the appropriate internal structures through which the processes that led to an eventual consensus over adopting negotiations rather than conflict as the way forward could be developed. An understanding of these structures is thus essential in appreciating the ways in which the movement was able to formulate such a strategy for resolving the conflict. It was only through these structures that it was able to internalize the lessons of the 1972 AAA, as well as accommodate the essential demands of the population for eventual secession alongside its own original preference for revising the governance process throughout a unified Sudanese state. This chapter, therefore, is primarily devoted to an analysis of these features.

The key internal development for the movement was the way in which it learned to adapt to events as they took place and how it was able to tailor its objectives to fit realities on the ground – the popular demand for independence of South Sudan in the South on one hand and the Northern desire for the unity of Sudan on the other. In part this adaptation or the change in policy by the SPLM/A leadership was a consequence of ‘learning by doing’ based on the past experiences of the Anyanya movement with the North in 1972 and the changing nature of government in Khartoum; from the Nimeiri regime to the combined Mahdi/Turabi government and, eventually, the Omar al-Bashir regime instead. Learning is an

inherent feature of decision-making policy for it is the way in which decision-makers uncover a range of values and principles governing policy formation and come to understand how they can complement or conflict with each other. Learning, therefore, is critical to each of these situations. In order to demonstrate the SPLM/A's learning, this chapter will present both the strategy and the organisation that the SPLM/A adopted to manage the war and the southern population.<sup>348</sup> It will then argue that the SPLM/A projection of a double-handed approach – for a united New Sudan on the one hand, and for a referendum of self-determination for South Sudan on the other – resulted in the SPLM/A enjoying popular support both in the north and the south of the country. We first begin by presenting SPLM/A political strategy, followed by the organisation that the SPLM/A leadership adopted to carry on the war. Subsequently, a comparison will be made between the strategies and organisational structures of the SPLM/A and other guerrilla movements in Africa.

These realities compelled the SPLM/A to be pragmatic in order to adapt and incorporate the use of parallel languages (unity or/and referendum) to accommodate those who wanted unity and those who wanted secession. This was also necessary in order to convince the SPLM/A's own civilian population that they must identify with the aims of the war to the point of martyrdom and this was not a simple task for it to achieve. This flexibility of approach was to prove to be key to achieving the ultimate goal - the independence of South Sudan on 9 July 2011. However, this was not an unchallenged process – there were several attempts to wrest control of the movement away from John Garang de Mabior so

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<sup>348</sup> The thesis refers to them here as the internal constituency

that the New Sudan vision championed by him and his supporters would have been reversed with the result that the movement's objective would have been geared solely towards achieving the independence of South Sudan from Khartoum.

### The SPLM/A's New Sudan Political Strategy

The SPLM/A leadership, especially Garang, deliberately shaped the Movement on the basis of his understanding of the causes of previous failures in the strategies and tactics of earlier movements in the South. Central to this approach was the New Sudan Political program of political education, which all senior members of the movement, especially those who joined it when they were already government employees, underwent during their compulsory six-month training at the Zinc Marxist-Leninist Political School in the Gumbella region of Ethiopia. The Zinc training was followed by one year of advanced training at the Derg's Yakatit Political Ideology School, and others were sent to Cuba for degree courses in Marxist-Leninist political ideology. As the former Chief of Staff of the SPLA, General James Hoth Mai, recalls, "I remember that there were over 100 of us from the SPLM/A's rank and file attending different courses ranging from combat intelligence, command courses, closed protection units and so forth."<sup>349</sup> As in the case of the Eritrean Popular Liberation Front (EPLF), the school socialized former government employees into an organisation and moulded their views of society and history. Political orientation based on Marxist-Leninist ideology alongside military training was an essential part of the SPLM/A strategy of turning people with various social backgrounds into committed SPLM/A

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<sup>349</sup> Mai, J. H. (2014) Interviewed by Malual Ayom Dor, South Sudan, 21 May



cadres. It was during these training periods that the ideology of the New Sudan was indoctrinated, a key internal development for a Southern organisation, which was once seen as separatist and fighting for self-determination of the South Sudan people but now sought a shared political dispensation for the Sudanese state instead. The SPLM/A policy for the New Sudan came from past experiences, and the SPLM/A was able to learn to adapt to circumstance to tailor its objectives to fit the realities of the day. Unlike Anyanya the SPLM/A became a melting pot for all of Sudan and, for the first time, many different groups were able to identify with a shared national objective. Whether this objective was expressed in the form of one united Sudan or a “New Sudan” did not matter much for, in terms of political and military organisation and in the articulation of its political challenges, the SPLM/A was a better organised political and military instrument than was Anyanya II, as the successor to Anyanya itself.

While the SPLM/A under Garang fought for unity of the country, its concept of the New Sudan became controversial and a subject of debate not only among Sudanese but also among scholars. For example, historian Douglas Johnson in his analysis of the SPLM/A stated that it was difficult to classify SPLM/A as a separatist movement, an insurgency directed towards reform, or a state-consolidating or state-subverting insurgency (Johnson, 1998). Whether the SPLM/A under the leadership of Garang adopted the philosophy of New Sudan as propaganda to divide Northerners and gain their support in its effort to liberate South Sudan, is a consideration that needs further investigation but it is worth noting that the SPLM/A committed itself to and saw itself as an integral part of

the struggle of all marginalized groups throughout Sudan.<sup>350</sup>

Propaganda throughout the twentieth century, of course, has been one of the crucial tools of warfare and has been enlisted to manipulate ideas and attitudes. Importantly, in the context of South Sudan, however, the vision of a new united state was not left unchallenged by the Southern forces, which was, after all, the stronghold and constituency of the SPLM/A. Thus there were several attempts to wrest control of the movement from John Garang de Mabior by radicals who only believed in Southern Sudan seceding from the North. In 1983, at the formation of the SPLM/A, there was a group of former Anyanya I veterans led by Akuot Atem de Mayen and Samuel Gai Tut who called for the cessation of the south and rejected the leadership of Dr John Garang and his policy of a unified New Sudan. Furthermore, in 1991, the SPLM/A suffered another break in its ranks led by Dr Riek Machar Teny and Dr Lam Akol who called for southern self-determination whilst denouncing Dr John Garang. It is therefore important to note that, although Garang's New Sudan vision had a specific purpose and was the dominant view inside the movement, it was not favoured by many Southerners who remained under his leadership, for the driving force for the fighting men and women had been separation.<sup>351</sup> In other words those who supported his policy often did so reluctantly and, in response, settled for their own interpretation of the vision. As Francis Deng notes: "The fighting men and women of the South took it (the New Sudan Vision) at best as a clever ploy to allay the fears of those opposed to separation within the Country, in the African region, and in the international

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<sup>350</sup> Suliman. Civil war. p.26

<sup>351</sup> Deng, F. M. African Renaissance: Towards a New Sudan, FMR. Brookings. p.6

community.”<sup>352</sup> Even though Garang was talking in terms of creating a new united Sudan, Southerners were still fighting for the separation of the South from the North. During 1994, the vision was refined to include the right of self-determination of the Southern Sudanese, to meet the demands of the strongest constituency within the SPLM/A. Nonetheless, given its vision of a new united Sudan, the SPLM/A became a viable negotiating partner with the Government of Sudan (GoS) so that the CPA could be signed in January 2005, ending one of the longest running civil wars of the African continent.

The first internal challenge to Garang’s leadership and his aim of a united New Sudan came from Anyanya I veterans who regrouped themselves in the bush under the name of Anyanya II prior the formation of the SPLM/A. Anyanya I, II and the SPLM/A were formed against a social background which profoundly affected the ways in which they articulated the struggle. The original Anyanya Movement, with its agenda of Southern Sudanese liberation, emerged after 1955. It was formed at the time that the majority of African nations were calling for decolonization, which might have influenced Anyanya’s separatist thinking. The majority of African movements calling for decolonization occurred in the late 1950s but the Anyanya movement actually coalesced as a defined movement only in 1962, in the wake of the 1955 Southern rebellion involving the Torit garrison, the event that marked the beginning of the first Sudanese civil war. While Anyanya I and II had both called directly for the independence of South Sudan from Sudan itself, in the second Sudanese civil war the SPLM/A demanded the restructuring of the country, with the creation of a new united Sudan on a basis of

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<sup>352</sup> Ibid. p.24

equality between its constituent components. As was stated in the first manifesto of the SPLM/A:

“The immediate task of the SPLM/SPLA is to transform the Southern Movement from a reactionary movement led by reactionaries and concerned only with the South, and self-interests to a progressive movement led by revolutionaries and dedicated to socialist transformation of the whole country. It must be reiterated that the principal objective of the SPLM/SPLA is not separation for the South. The South is an integral and inseparable part of the Sudan. Africa has been fragmented sufficiently enough by colonialism and neo-colonialism and her further fragmentation can only be in the interests of her enemies.”<sup>353</sup>

As Suliman further notes: “the SPLA, unlike the Anyanya I and II movements, announced that it was not fighting for an independent South; its declared aim was a unified secular and democratic Sudan.”<sup>354</sup> This call appealed to the North and the New Sudan vision legitimised the rebellion in the wider international arena but it created internal rifts within the leadership of the SPLM/A and divided the Southern population along the ideological lines of those supporting separation and those supporting a united New Sudan. These differing perceptions of the Southern cause became the source of a major rift that brought about bitter clashes between the Anya- Nya II movement and the newly-formed SPLM/A, which led to the defeat of the former, upon which some of its remnants joined the Sudanese government and fought alongside the SAF against the SPLA until the signing of the CPA, which led to their integration into the SPLA.

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<sup>353</sup> The SPLM/SPLA Manifesto, Bilpam, Ethiopia. 31<sup>st</sup> of July, 1983

<sup>354</sup> Suliman, Civil War. p.26

The most important division was to occur in 1991 when, citing Garang's unilateral decision-making, the lack of Political-Military High Command meetings and the failure to hold a SPLM convention<sup>355</sup>, Machar (a Nuer), Lam Akol (a Shilluk) and several other leaders left to form a separate armed group. Conflict erupted between the two sides, which "...triggered an intra-SPLA civil war and large scale violence along ethnic lines. Machar was prominently involved, mobilizing support from his Nuer ethnic group against Garang's Dinka. In the notorious Bor Massacre in November 1991, it is estimated that at least 2,000 mainly Dinka died."<sup>356</sup> The failed coup led to bitter conflict amongst southern Sudanese in which southerners were predominantly divided along ethnic lines. Ultimately, the coup plotters formed a devastating alliance with the Government of Sudan, which supplied them with weapons to be used against their former comrades.

As noted above, the SPLM/A released its initial manifesto on the 31<sup>st</sup> of July 1983. The manifesto spelt out the movement's political agenda, which was essentially the restructuring of social and economic systems throughout Sudan to create a secular, non-sectarian, and united socialist country. The manifesto stressed that: "aggravated by colonial design and perpetuated by all the minority clique governments in Khartoum, the conspicuous difference between the North and the South arose from the different levels of socio-economic development,

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<sup>355</sup> SPLM/A Nasir Declaration. "Why Garang Must Go", Nasir 28 August 1991

<sup>356</sup> Kisiangani, E. East Africa Report: Reviewing options for peace in South Sudan, Issue 1, March 2015, Institute for Security Studies, p.6

nationality, culture and religion between them.”<sup>357</sup> In a diametrically opposed stand to Anyanya II’s position, the manifesto affirmed that the SPLM/A aimed at engulfing the whole country in a socialist transformation to establish a united socialist Sudan, not a separate Southern Sudan.<sup>358</sup> While the Manifesto clearly articulated the vision of New Sudan, it was still unclear what the true story behind the united New Sudan philosophy of the SPLM/A really was, and whether John Garang de Mabior was indeed fighting to keep Sudan united under new terms or whether the philosophy was a means to fight the war for independence of South Sudan – history has taught us, after all, that “...few wars are ever fought in the name of their real causes...”<sup>359</sup>

Following John Garang de Mabior’s death in a helicopter accident in 2005, two of those who claim to have been close to him, including his widow, Rebecca Nyandeng de Mabior, have offered different explanations as to his intentions, clearly indicating that no one knew what he was really thinking. However, a close analysis of Garang’s statements makes it difficult to believe that he was a separatist. While briefing SPLA recruits in Bonga Military Training Centre, for example, he maintained that: “The goal of fighting for secession from the North would not resolve fundamental grievances because efforts to obtain legal autonomy had been explored and had drastically failed when Numeiri abrogated the Addis Ababa Agreement,” and that, “The numerically weaker Southern Region, with only a third of the population of the whole country, would not be able to wage a prolonged war against the rest of Sudan, especially if the cause of

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<sup>357</sup> Burr, M., & Collins, R. O. (1999). *Africa's Thirty Years War: Libya, Chad, and the Sudan, 1963-1993*. Westview Press. p.218

<sup>358</sup> SPLM Manifesto

<sup>359</sup> Suleiman. *Civil War*. p.3

the war would not win sympathy throughout the country as a whole.”<sup>360</sup>

Since the religious identity of the Sudan had been used by ruling elites as a tool for exploitation and suppression of its citizens, the SPLM/A advocated the total separation of state and religion. The Sudanese Government’s declaration of an Islamic legal system two months after the SPLM/A launched its manifesto was to intensify discontent and would have wide ramifications in both the North and the South. The new legal system based on *Sharia Law* forced the SPLM/A to magnify the religious dimension of the conflict, refusing to negotiate before the change was annulled – an impossibility because, according to the Sudanese Government: “Muslims have a religious duty to implement Islamic law.”<sup>361</sup> These diametrically opposed stands implied that conditions for negotiations were not yet ripe and that war would drag on unendingly, making the issue of Islamic law and the SPLM’s radical stand on this matter the principal obstacles to a negotiated solution.

In order to win sympathy in the North, Garang used ‘Radio SPLA’, which was swiftly established and based in Addis Ababa, to make an impassioned plea for support, airing messages such as: “The revolution was not for a separate South, which would resolve nothing, but a revolution for all the Sudanese to build a New Sudan, a federation with a central government committed to fight against racism and tribalism.”<sup>362</sup> This marked a fundamental transformation of the original North-South division of the country, with ethnicity superseding economic

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<sup>360</sup> Garang speech before Jamus Battalion, Bonga 12 December 1983

<sup>361</sup> Burr & Collins. *Africa's Thirty Years*. p.219

<sup>362</sup> Collins. *A History of Modern Sudan*. p.143

exigency.

Despite this call, Northern leaders remained skeptical and failed to understand the true nature and dimension of the SPLM/A's war agenda, whilst some appeared genuinely baffled by the stated objectives of the movement. Suliman rightly observes: "It has always been questionable, however, whether the SPLA would be able to maintain this position in the face of large practical and psychological obstacles, not least that most of its rank and file were motivated to fight by ethnic and religious differences."<sup>363</sup> Such confusion contributed to the longevity of the war because Northern leaders found it difficult to conceive of a negotiating formula acceptable to the SPLM/A, given that it did not want to represent or resolve the grievances of just the South but of all the marginalized masses throughout the country.

In addition to attempting to correct the Anyanya's organisational shortcomings, the SPLM/A's founding leadership drew explicit lessons from Anyanya's experiences and embodied many of those lessons in the 1983 SPLA manifesto.<sup>364</sup> However a group of former Anyanya officers who wanted continuity of leadership resisted this diversion away from the Anyanya platform, which led to a bloody internal struggle from 1983 to 1988, which the SPLM/A won at a huge cost in material and human life. Following his victory over Anyanya II, Colonel Garang declared that both the civil and military wings of the new movement ought to be led by a single person because the separation of the two wings had created an internal conflict in the Anyanya movement before it was restructured

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<sup>363</sup> Suleiman. Civil War. p.3

<sup>364</sup> Clapham, C. S. (ed.) (1998). African Guerrillas. James Currey Publishers. pp.1-18



under Joseph Lagu in the late 1960s. He also maintained that the goal of fighting for secession from the North would not resolve fundamental grievances because efforts to obtain legal autonomy had already been explored and had drastically failed when Nimeiri abrogated the Addis Ababa Agreement. Furthermore, the numerically weaker Southern Region, with only a third of the population of the whole country, would not be able to wage a prolonged war against the rest of Sudan, especially if the cause of the war would not win sympathy throughout the country as a whole. It is clear that the experience of the earlier insurgency – the Anyanya Movement - shaped the structure and dynamics of the SPLM/A, not least because many in the SPLA had also fought in the Anyanya.

### The SPLM/A Relations with the Southern Population

Although the SPLM/A obtained considerable support from the local South Sudanese, that support varied greatly from region to region, and from tribe to tribe. Often they were welcomed in the Dinka areas where they received local support in terms of food supplies and new recruits, perhaps as a result of the configuration of the leadership of the SPLM/A. However, in other areas the SPLM/A was denounced and betrayed, especially in Nuer, Mundari, Taposa, Murle and Fertit areas where the majority of the local leaders such as Clement Wani Konga, Paulino Matip Nhial, Tom el-Nur, Ismael Konyi and Gordon Kong Chol were recruited by the Government of Sudan to fight against the SPLA. The SPLM/A relied on contributions of food, but at some points and in certain places it bartered for food items with AK47, G3, SKS rifles and ammunition. The SPLA spent its first year waging a bitter struggle against those forces in the South that disagreed with its ideology of a united socialist Sudan, securing the long supply

lines to bases within Ethiopia and establishing its claim as the irrefutable representative of the Southern Region. This was an identity, which the Government readily assigned to the SPLM/A, but which the SPLM/A was not completely satisfied with, for it wanted to be the voice of all the marginalized masses within the country. The fundamental ideological differences between the SPLM/A and Anyanya II developed into military confrontation with the SPLM/A beginning its attacks against Anyanya II forces in Bilpam, inside Ethiopia in August 1983. As the former commander of the SPLA General Headquarters (Bilpam) between 1986- 1994 recalls, “Following the disagreement over leadership and the strategic direction of the SPLM/A in 1983, we were instructed by our Chairman to attack and capture Bilpam.”<sup>365</sup> The SPLM/A’s campaign against the Anyanya II forces resulted in the SPLM/A successfully capturing Biplam and establishing its headquarters there. Although the Anyanya II had been defeated, its remnants returned to their villages in southern Sudan and established militias that fought against the SPLM/A with the support of the Government of Sudan.

The approach of silencing opposing voices dissatisfied with the vision of New Sudan through the use of force created internal divisions and tribal antagonisms, which led the ethnic Nuer to support the 1991 split. The SPLM/A breakaway group, consisting of three members<sup>366</sup> of the Political Military High Command (PMHC), accused Garang on August 28, 1991 of running the movement in a dictatorial manner.<sup>367</sup> Unfortunately this split, which was initially motivated by a

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<sup>365</sup> Ajang, B. (2016) Interviewed by Malual Ayom Dor, South Sudan, 24 March

<sup>366</sup> These were Dr Riek Machar, Dr Lam Akol and Commander Gordon Kong Chol.

<sup>367</sup> SPLM/SPLA Nasir Declaration produced by Riek Machar, Lam Akol and Gordon Kuol and

power struggle between the SPLM/A elites, quickly turned into a tribal one between two major tribes, the Dinka and the Nuer, with the Dinka remaining with the main SPLM/A group led by Dr Garang (who was a Dinka) and the Nuer supporting the break-away group led by Dr Riek Machar (a Nuer). This latter group came to be first known as the SPLM/A Nasir Faction, and later as the South Sudan Independence Movement (SSIM). The split supports the argument that:

“... when Southerners are in conflict with the North, their identity with their region and their self-image as black Africans come first, while at a local level tribal attachment is predominant.”<sup>368</sup> The Dinka and the Nuer have long been in competition for regional supremacy, as Pritchard had pointed out nearly eight decades earlier: “... in South Sudan the tribesmen have a sense of patriotism...they are proud to be members of their tribe and they considered it superior to other tribes.”<sup>369</sup> Douglas Johnson also acknowledges the existence of historical Dinka-Nuer friction, attributing this to the consequences of ecological change and population pressure, noting that these were the reasons “...most frequently mentioned by the Nuer as the reason for migration.”<sup>370</sup>

These political divisions reflected profound tribal antagonisms, which remain a big problem today and erupted once again into open warfare in 2013. They were the result, in large part, of the colonial experience for, following violent military expeditions to gain control of the South, the colonial government had imposed a different system of administration, known as the “southern policy” on the region.

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broadcasted on BBC radio on the 28<sup>th</sup> of August 1991.

<sup>368</sup> Suliman. Civil War. p. 3

<sup>369</sup> Evans-Pritchard, E. E. (1940). The Nuer of the Southern Sudan. International African Institute. p.71

<sup>370</sup> Johnson, D. (1982) Tribal Boundaries and Border Wars: Nuer-Dinka Relations in the Sobat and Zaraf Valleys, c. 1860-1976, The Journal of African History, Volume 23, Issue 02, p.185

Whilst in the North, control of the economy and the administration was mainly in the hands of the state and secular leaders, in the South the colonial government created self-contained tribal societies headed by traditional chiefs, thus giving the tribes political significance and an administrative role. It was a decision that was to replicate itself in the post-Sudanese independence period and, today, inside Southern Sudan.

Despite this, the wars fought in the name of New Sudan against Anyanya II were of benefit to the SPLM/A. The SPLM/A grew to enjoy the support of a large section of the rural poor and dispossessed in the North as well, since it addressed the fears of marginalized peoples.”<sup>371</sup> The Anyanya guerrillas were bedevilled throughout most of their existence by bad organisation, lack of coordination between local bands, personal and local rivalries between military and political leaders, a chronic shortage of supplies and inadequate training. Lacking a strong military or political organisation, which could have enabled them to achieve their objectives, they also found that their uncompromising goal of separatism isolated them from potential national and regional allies who might otherwise have helped them overcome their organisational weaknesses. Garang’s vision of keeping Sudan united also rewarded him with Ethiopian government support, even though it was battling the separatist Oromo people, the Eritran People’s Liberation Front (EPLF) and the Ethiopian People’s Revolutionary Democratic Front (EPRDF). During the early years of the Movement, Ethiopian Government support was crucial to the SPLM/A and since Ethiopia had problems with its own secessionists in Eritrea and the Oromo region it would have been unwilling to

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<sup>371</sup> Suleiman, Civil War. p.3

assist in any action likely to lead to a re-drawing of its international borders.

Internal dissent inside the SPLM/A reached crisis point in August 1991, when the breakaway group, the Nasir faction, called for the overthrow of Garang and for a separate South, thereby abandoning all ambitions for a unified secular state. Although they failed to unseat Garang they revived the principle that self-determination took priority over unity. Eventually, in 1994 Garang and the SPLM/A revised the New Sudan vision, refining it to include the right of self-determination of Southern Sudanese, in order to cater for the strongest constituency of the SPLM/A, who believed in breaking the South away from the North. In 2002, Riek Machar rejoined SPLM/A after the Khartoum Peace Agreement that he had signed with the Khartoum Government was not implemented. The Khartoum Peace Agreement (KPA) had included a referendum for South Sudan but without a time line for its implementation. Nonetheless, under the vision of a New Sudan, the SPLM/A became a viable negotiating partner for the Government of Sudan (GoS) so that the Comprehensive Peace Agreement (CPA) could be signed in January 2005, ending one of the longest running civil wars of the African continent. Yet, in one sense, the wars were primarily a product of tensions within the South for, in part, they reflected profound tribal antagonisms and political challenges to the military leadership there. In part, too, they were provoked by Northern attempts to disrupt the SPLM/A itself.

### The SPLM/A Ideology, Organisation and Leadership

With the end of the Second World War, insurgencies in the name of national

liberation became very common, in Third World countries and in Africa in particular. Examples include the Mau Mau Revolt in Kenya between 1952 and 1960, the Algerian War of Independence between 1954 and 1962 and the Rhodesian Bush War between 1964 and 1979. They were taken at first as most effective way of achieving self-determination from colonial administration, but later became another method of changing elitist post-colonial governments in Africa. In Sudan, independence in 1956 immediately raised the issue of the relationship between the South and the North, with the South seeing the North as another colonialist power. The issue was to manifest itself as an armed insurgency, with Anyanya, between 1955 and 1972, and then again with the SPLM/A between 1983 and 2005.

It is noteworthy that these insurgent movements all owed much to individual initiatives on the parts of their leaders, that they were formed in opposition to established political structures, and that they allowed their leaders a great deal of choice over how they should be organised and how they should operate. This meant that the leader and the movement were so closely associated that it was difficult to conceive of one without the other.<sup>372</sup> It is also difficult to conceive that the organisation (SPLM/A) was able to learn independently of its leader. With this being the case, one can conceivably argue that learning within the SPLM/A was a result of the individual learning of Dr Garang, which was then passed on to the movement and its cadres.

Following the 1974 Akobo Rebellion the remnants of Anyanya I together with

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<sup>372</sup> Clapham, C. *African Guerrillas*. p.57

these Akobo mutineers adopted Anyanya II as their official name and their declared objective became the total independence of the south from the north. The Akobo Rebellion, which was led by Lieutenant Benson Kuany Latjor, a member of the Nuer ethnic group, resulted in the death of the garrison commanding officer, Colonel Abel Chol, who hailed from the Dinka ethnic group. How they were to achieve an independent South Sudan was left unexplained, however. The original Anyanya I movement had emerged in the early 1960s as a loose alliance between army mutineers and politically active Southern Sudanese, united against what they perceived as the hegemony of Northern elites in the newly independent Sudan. As Yosa Wawa notes:

“Anyanya operated exclusively in Equatoria Province until 1964, when it attacked government posts in Bahr el Ghazal and the Upper Nile Provinces. Other names that appeared that had close ties with rebel activities included The Land Army (1963), Azania Secret Army and Pan African Freedom Fighters.”<sup>373</sup>

These groups nevertheless operated under decentralised and informal system of authority throughout the 1960s so that factional fighting alongside the lack of effective military control had been the consequence for the movement. More importantly, because of its overtly secessionist agenda, it had failed to cultivate robust and stable external alliances, especially among neighbouring African countries. In any case, some of these countries, like Ethiopia, were trying to cope with their own secessionist movements. As Dowden notes:

“One reason that the SPLA did not initially demand a separate state was

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<sup>373</sup> Wawa, Y. Southern Sudan, p.16

that its fighters were based in and backed by Ethiopia. The government there was fighting an Eritrean secessionist movement. It did not want to be seen to support any secessionist movements as were in Africa.”<sup>374</sup>

Intense internal grievances, factional conflict and limited external support thus prevented the Anyanya I movement from mobilizing a sufficiently large force to mount high-intensity warfare throughout the 1960s.

In the SPLM/A, leadership was closely associated with ideology and organisation, which effectively brought Southern fighters under one central command. As I illustrated in Chapter 2, the Anyanya was a loose coalition of regional Southern forces that were loyal to their regional commanders. Through his reflection as an Anyanya fighter, Dr Garang was aware of the shortcomings of a fractured leadership and it was for this reason that he wanted SPLM/A cadres to share a commitment to common principles and goals, established as a reflection of the values of the personalised leadership structures. Formal structures such as the Political Military High Command, political and military hierarchies, as well military formations, did exist, of course, but their existence and influence depended on the whim of the leader.

The SPLM/A's initial base area of operations, to become known as Bilpam, was located immediately to the west of the Gembella region of Ethiopia. After clashing with Northern troops in the Southern towns of Bor, Pachalla and Ayod at the outbreak of the renewed rebellion in 1983, the mutineers who were to become

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<sup>374</sup> Dowden. Africa. p.171



the SPLM/A headed for Ethiopian border towns, where remnants of the Anyanya movement, that were to eventually become part of the Anyanya II movement, were operating as bandits, conducting armed raids on their own Southern villages and looting cows and goats from poor civilian populations in the name of the liberation of South Sudan, in order to reorganise themselves for revenge attacks against President Nimeiri's forces. "These bandits were predominantly drawn from Anyanya I forces that had failed to meet the criteria stipulated in the AAA for absorption into the organised Sudanese armed forces."<sup>375</sup> The rebelling Southern officers of Battalions 104 and 105 of the SAF became embroiled in a tussle for the leadership of the newly formed SPLM/A with the Anyanya II. Anyanya I veterans, who held ministerial positions following the AAA, such as Samuel Gai Tut and Akuot Atem were of the view that their age and experiences entitled them to lead the SPLM/A.

After obtaining a doctorate in agricultural economics at Iowa State University in the USA, Colonel Garang was determined to model his country based on the successful management and appreciation of diversity. It can be argued that this desire was a result of Garang's experiences in the United States. Indeed, Garang considered that, "...if the USA could fashion a free, secular, democratic, and united society from its own ethnically diverse and multi-cultural society practicing many religions and living in peace, why not Sudan?"<sup>376</sup> He willingly admitted the impression his experiences during his schooling in the USA had left on him, noting, "Nations are formed as a result of the historic movement of peoples, as in the US, so we aspire to a new Sudanese dispensation in which all

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<sup>375</sup> Akot, D. A. (2013) Interviewed by Malual Ayom Dor, South Sudan, 13 August

<sup>376</sup> Collins, A. History of Modern Sudan. Collins, R. O. (2008). Cambridge University Press. p.141

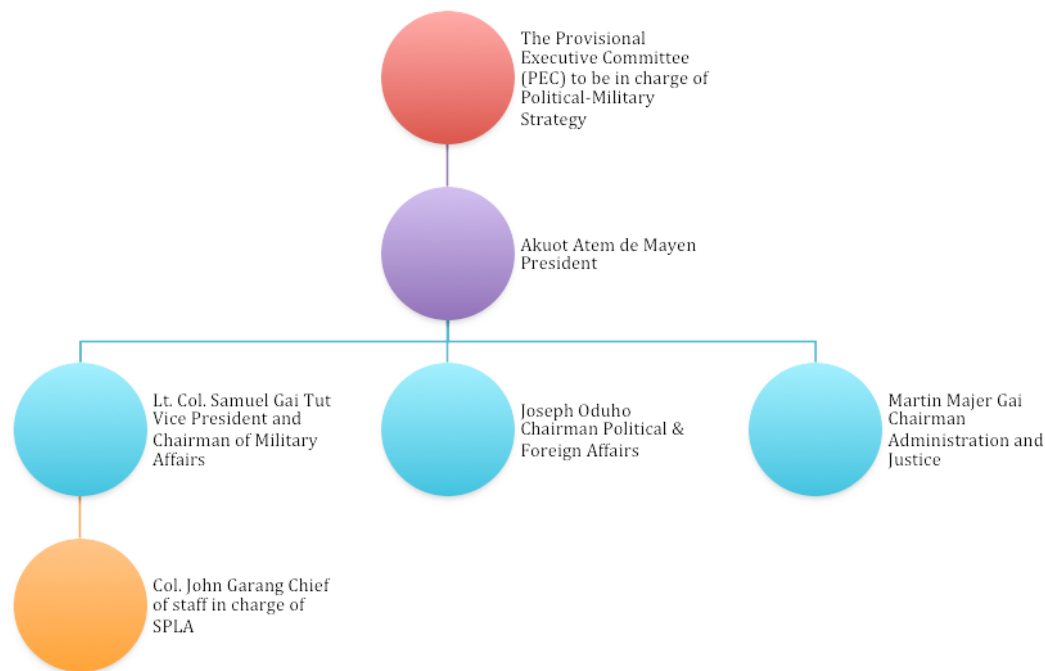
are equal, irrespective of these localisms, which we inherit out of no choice of our own.”<sup>377</sup> Despite Garang’s desire to emulate the US’ successful management of diversity, his socialist leanings led to US reservations about the SPLM/A since President Reagan’s government was in the midst of the Cold War, which placed socialism and capitalism on the opposite ends of the ideological spectrum.

Anyanya II’s leadership and competition for control over the SPLM/A presented an obstacle to the formation and success of the new movement. Motivated largely by personal antipathy, jealousy, and delusions of self-importance, Anyanya II’s leaders – Akuot Atem de Mayen, Samuel Gai Tut, and William Abdullah Chuol Deng – maintained that the rebellion was not new but merely a continuation of the old war and so the original leadership structure of the original Anyanya ought to be observed. The Anyanya remnants therefore proposed that Garang, who was only a captain in the Anyanya, be given the post of Deputy Chief of the Army while two former Anyanya senior figures and politicians, Samuel Gai and Akuot Atem de Mayen, would lead the military and the political wings respectively to ensure that the concept of continuity was not interrupted, and so that the objective of the war was to remain the same: total independence of the Southern Region. The proposed structure is further elaborated in the diagram presented below.

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<sup>377</sup> Meyer, G., & Nicholls, J. (2005). *War and Faith in Sudan*. Eerdmans Publishing. p.90

**Figure 11: Akuot Atem and Samuel Gai Tut’s Proposed Leadership Structure in 1983**



*Note: This structure remained on paper and was never implemented due to the fact that those who were behind it were forced out militarily by the SPLM/A and fled to Khartoum where they remained as a government-sponsored militia, fighting SPLA in the South.*<sup>378</sup>

The competition between those aligned with Garang and those aligned to Anyanya II leaders led to armed conflict that saw Garang ascend to the leadership of the SPLM/A. The SPLM/A was convinced that negotiations would not succeed without considerable military leverage. It specifically argued that the movement would have to export the war to the North in order to prove its claim to be fighting for the whole country, despite the internal threat that it faced from Anyanya. In the words of John Garang de Mabior, the SPLA waged a “bitter struggle” from June to November 1983 before the “correct direction prevailed” as

<sup>378</sup> Designed by the Author for the purposes of this thesis.

the SPLA had killed or won over the “separatist reactionaries and opportunists.”<sup>379</sup>

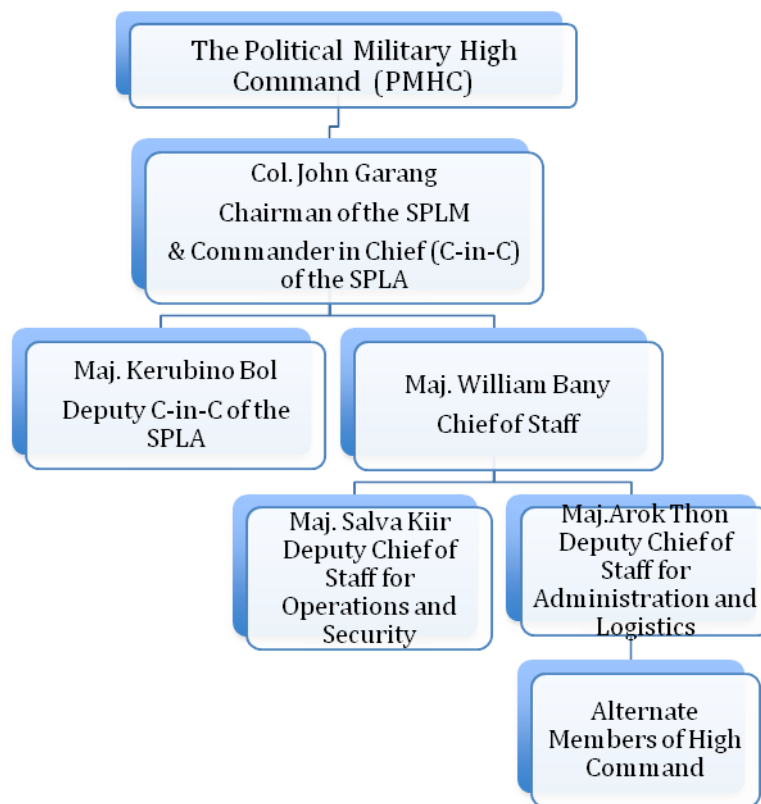
Following the resolution of the leadership issue, the SPLM/A’s first task under Garang, was to structure itself into a military organisation as indicated in Figure 13 below. The defecting Battalions (104 and 105) “became the core of the Sudan People’s Liberation Army (SPLA) under Dr John Garang.”<sup>380</sup> This ‘militarization’ of the movement monopolized the decision-making process and concentrated all the power in the hands of Dr John.

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<sup>379</sup> Garang’s brief to the Eagle forces in Southern Blue Nile, 23 January 1987

<sup>380</sup> Africa Watch Committee. (1990) Denying the Honor of Living: Sudan, a Human Rights Disaster, An African Watch Report. New York, p.16

**Figure 13: Leadership Structure of the SPLM/A in 1985**



*Note: The organisational structure in Figure 13 was adopted in 1985 and saw the SPLM/A take on a more militarised leadership structure.*<sup>381</sup>

However, the defeat of Anyanya II exposed the SPLM/A to divisions along tribal lines. The Sudan government sought to exploit such divisions by providing logistical and tactical support to the Anyanya II remnants so that they could fight a proxy-war against the SPLM/A. As James Hoth recalls “as we moved from the SPLM/A’s headquarters in Bilpam to Sudanese territory, we encountered and engaged Anyanya II remnants within the Greater Upper Nile Province.”<sup>382</sup> The

<sup>381</sup> Designed by the Author for the purposes of this thesis.

<sup>382</sup> Mai, J. H. (2014) Interviewed by Malual Ayom Dor, South Sudan, 21 May

SPLM/A, having by coincidence installed at its helm a group of Dinka – John Garang de Mabior, Kerubino Kuanyin Bol, Salva Kiir, Arok Thon Arok, Majier Gai Ayuel – was quickly branded in the Government media as a Dinka movement. Smaller southern tribes distrustful of Dinka hegemony in the SPLM/A could then be formed into pro-Government militias. The Mundari, the Toposa, the Fertit and the Murle all responded to the government's call. In 1984 Nimeiri ordered the Gaajak Nuer governor of Upper Nile, D.K. Matthews, to provide arms, ammunition and uniforms to William Abdullah Chuol – a well-known separatist – to establish a rearmed Anyanya II as a Government militia designed to cut the SPLA supply lines from Ethiopia and to intercept the steady stream of recruits coming from Northern Bahr al-Ghazal and Upper Nile to SPLA training camps in Ethiopia.<sup>383</sup> Mohamed Suliman explained that: "Remnants of the Anyanya II and the Murle militia operating in Upper Nile and the Fertit make up the main pro-Government popular Defence Force."<sup>384</sup> Nimeiri's backing for Anyanya II earned that movement and the Nuer community a bad reputation in the South because they were seen to have collaborated with the archenemy of the South, thus ensuring that they would be labelled as traitors.

Although Anyanya II's leaders sought the separation of the South from the North whilst the SPLM/A stood for a united socialist Sudan - a position much closer to that of the Government in Khartoum - the Central Government backed Anyanya II. This clearly shows that the objective of the SPLM/A encoded in the phrase 'New Sudan' – involving the restructuring of social and economic systems of the whole country and thereby creating a secular, non-sectarian and united

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<sup>383</sup> Ibid. p.13

<sup>384</sup> Ibid. p.19

democratic socialist country - threatened the Arab-Islamic establishment in the North to such an extent that it preferred the separatist agenda as the lesser of two evils. Francis Deng writes: “Since the reform agenda postulated the Arab-Islamic distortion of the country’s identity configuration, which was racially, ethnically, culturally and religiously pluralistic and more African than Arab, the Arab-Islamic establishment felt itself threatened.”<sup>385</sup> The successive Islamic-oriented regimes in Khartoum, after the downfall of the Nimeiri regime, would counter the threat posed by the ‘New Sudanese Vision’ by denying the SPLM/A the national outlook it professed and rather “...tried to engage the SPLM/A in peace negotiations so that the real agenda of the Movement was limited to the South.”<sup>386</sup> The SPLM rejected this limited approach originally embodied in the Addis Ababa Agreement, which only addressed Southern grievances and it criticized the Government’s proposal to negotiate solely concerning the South. In Garang’s words: “We shall never allow ourselves to be reduced to a fossilized regional sub-species.”<sup>387</sup> The SPLM/A’s public insistence on fighting both on the ground and at the negotiating table to transform the whole country and the Government’s insistence on viewing the movement as only a Southern movement became a further impediment to the resolution of the conflict.

Although this perception persisted throughout the history of the SPLM/A as evidenced by Dowden, who noted that the SPLM/A “remained a Dinka-led southern movement”<sup>388</sup>, it is important to note that the leadership of the SPLM/A

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<sup>385</sup> Ibid. p.11

<sup>386</sup> Deng, F. M. & Gifford, P. (ed.) (1987), *The Search For Peace and Unity in the Sudan*, Washington: The Wilson Centre Press, p.92

<sup>387</sup> Kameir, E. *Scenarios and Strategies for the Evolution of the New Sudan. The New Sudan Vision (NSV)*, 6 August, 2013

<sup>388</sup> Dowden. *Africa*. p.171

consisted of Nuer's such as William Nyuon. Furthermore, the early leadership contest between the SPLM/A and the Anyanya II was based on ideological differences between those that wanted secession and those that desired a united Sudan. The fallacy of tribal undertones in the SPLM/A-Anyanya conflict is further contradicted by the appointment of a Dinka, Akuot Atem de Mayen, as the leader of Anyanya II and the appointment of a Nuer, William Nyuon Bany as a member of the SPLM/A Politico-Military High Command and the first SPLA Chief of Staff.

### The Ideological Dilemma of the New Sudan Vision

The SPLM/A's ideological position instantly created a painful stalemate: it won sympathy in some quarters in the North (predominantly among communists) but alienated armed Southern groups with divergent political views. The consequence of such a complication was the alignment of dissatisfied Southern parties with the North against the SPLM/A and Northern parties with the SPLM/A against the government. This stalemate did not affect the two sides equally because the population that supported the Government was numerically stronger than the supporters of the SPLM/A in the North, most of whom were just proponents of the 'New Sudanese Vision' rather than actively organised parties using the force of arms to realize such a vision. With the sophisticated armaments secured from the Ethiopian Government and, at the time, from Libya, the SPLA had nothing to fear with respect to military weakness but it did have to offset the imbalance of forces created by the defection to the Government's side of disgruntled Southern fighters – primarily the remnants of the previous Anyanya civil war.



In discussing the background to the SPLM/A Yusuf Fadl Hassan has written: “Although the Islamic laws were declared three months after the mutiny in Bor and were thus not directly connected with incidents, they were instrumental in intensifying discontent and arousing wider ramifications both in the North and the South.”<sup>389</sup> Hassan continues: “it [the SPLM/A] tended to overstate in its leaflets and press releases the religious and racial dimensions of the conflict.”<sup>390</sup> Contrary to Hassan’s suggestions, however, it was the Government that expounded an Islamic identity as a defensive mechanism against the threat posed by SPLM/A’s vision of the New Sudan. The Government found significant support in the name of protecting the faith of the majority, which, it claimed, the SPLM/A sought to destroy. In reality, the Government, in collaboration with its sectional militias, went on a rampage in the South of the country: razing villages, slaughtering civilians and their livestock, and destroying their crops. One notable example is the 1986-7 massacres of Dinka civilians in Wau by the Government-backed Fertit militia who were known as the Jesh al- Salaam (‘Army of Peace’). As Brenda Uekert notes, “the militia received support from the armed forces, and throughout 1987, hundreds of Dinka and Luo civilians in and around Wau were abducted and murdered by Jesh al-Salaam members, sometimes acting with army personnel.”<sup>391</sup>

In addition, at the time, the SPLM/A’s agenda referred to the whole country because regional political realities did not favour the idea of altering colonial boundaries, a move that the Organisation for African Unity (OAU) would have vehemently opposed because such a precedent would have undermined the

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<sup>389</sup> Burr, J. M., & Collins, R. O. (2003). *Revolutionary Sudan. Hasan al-Turahi and the Islamist State*, p.198

<sup>390</sup> Hassan, Y. F. (1985). *Sudan in Africa*. Khartoum University Press. p.163

<sup>391</sup> Uekert, B.K., 1995. *Rivers of blood: a comparative study of government massacres*. Greenwood Publishing Group, p.91

greater unity of the continent that the organisation was eager to maintain.<sup>392</sup> The SPLM/A's manifesto acknowledged such a challenge: "Africa has been sufficiently fragmented by colonialism and neo-colonialism and its further fragmentation can only be in the interests of her enemies."<sup>393</sup> Furthermore the Ethiopian government, which gave the movement shelter, was waging a war against Eritrean separatists and could not support another separatist movement without a major contradiction in its own position. The Ethiopian government was receptive to Garang's message of a united Sudan, and backed him and the SPLM/A. The SPLM/A's revolution aimed at changing both the political authority and the structure of governance in the country. Its argument was that the whole country must be transformed but such a transformation ought to be done by those in power, and since those already in power were incapable of reforming the defective system governing the country because they themselves were too deformed to be reformed, they must be replaced by the SPLM/A. The SPLA (army) therefore, was to become the vehicle to take the SPLM (the party) to the helm of power where it would implement its program of structural change to commence the 'politics of inclusion' in a new United Sudan as opposed to the 'politics of exclusion' prevalent in the old Sudan. In the words of John Garang de Mabior: "While the SPLA wages armed struggle, the objective is political, to achieve freedom and ensure justice and dignity for all, that is to achieve the New Sudan."<sup>394</sup> Through force of arms, the SPLM/A would impose its vision of transforming the whole of the country without aiming to break it up; the vision of

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<sup>392</sup> See the July 21, 1964 resolution (Resolution 17[II]) of the African heads-of-state and government meeting in Cairo (the OAU Cairo Declaration) on the intangibility of colonial frontiers in Africa.

<sup>393</sup> SPLM Manifesto

<sup>394</sup> Chairman's 19th Anniversary Message to all SPLA, SPLM, and CANS UNITS and to the Civil Population of the New Sudan, dated 16/5/2002, SPLM Archives at the Embassy of South Sudan in Kenya.

‘New United Socialist Sudan’ became an ideologically motivating and uniting factor amongst its fighters; those leaders who did not support this objective were either branded as reactionaries or isolated through revolutionary propaganda.

The SPLA was better equipped and far more organised militarily and politically than the Anyanya II, which gave it the upper hand when the Ethiopian and Libyan governments – determined to overthrow Nimeiri – had to choose which of the two movements to back. Anyanya II had sought the help of the Libyan leader, Mu’ammarr Qadhafi, who offered to do so but did not take it seriously as a force capable of overthrowing the Government of Khartoum because of the staggering disorganisation of its forces and their lack of solid leadership.<sup>395</sup> In contrast, Colonel Garang’s words left no doubt over the question of which movement was the most suitable camp for Libya’s favours:

“We reached a good understanding with Qadhafi and so he gave us lots of arms and ammunition, including anti-aircraft missiles....so, we stockpiled a lot of arms and ammunitions. Having received these arms, we became very strong and began overrunning enemy camps, making ambushes and virtually annihilating military convoys and taking over all of their equipment.”<sup>396</sup>

SPLM/A leaders knew that Libyan support was only a temporary arrangement that would end as soon as Nimeiri was toppled. However, the SPLA was not waging war against Nimeiri as an individual, but rather against the divisive

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<sup>395</sup> Dr John Garang's 1987 Heritage Interview with Arop Madut, "Colonel Dr John Garang Speaks To Heritage On War and Peace in the Sudan, Nov. 2, 1987.

<sup>396</sup> Ibid

religious ideology that the successive post-independent governments in the Sudan had established. While the SPLM needed to increase the numerical strength of its armed wing, the need to secure as much support as it could get led it to graduate (pass out) as many battalions as it could in the shortest possible time because each time a battalion completed its training, the Libyan office in Addis Ababa provided “...aid to the southern-based Sudanese People’s Liberation Army (SPLA).”<sup>397</sup>

### Internal Crisis Within the SPLM/A

At the beginning of the 1990s, divisions existed not only between North and South, but also within the Southern SPLM/A movement. As the SPLA gained victory in the South and liberated key provinces of the southern region, accusations of dictatorship and human rights abuses surfaced against the leadership of the movement, specifically against Garang.<sup>398</sup> These accusations may be explained by the dominant role of the Dinka tribe in the South, which has historically formed the leadership there. In response, the Nuer and the Shilluk tribes led by Riek and Lam respectively, formed their own factions in 1991 and, as the SPLM/A prepared to capture the strategic town of Juba, the movement split. Commander Riek Machar, with a few supporters at the top of leadership, accused Garang and others within the SPLM/A leadership of creating a dictatorship, suppressing democracy, and essentially ignoring the political platform Garang had established in 1983.

Although the tribal dimension was not the cause of the 1983 conflict between the

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<sup>397</sup> Huliaras, A. (2001) Qadhafi’s Comeback: Libya and Sub-Saharan Africa in the 1990s. African Affairs Issue Vol.1 Issue 398, p.9

<sup>398</sup> Deng, F. War of Visions. p. 93

newly formed SPLM/A and the Anyanya II remnants, opportunistic Southern leaders such as Riek Machar and Lam Akol saw an opportunity to utilise ethnic tensions in order to agitate for leadership change. The ensuing rebellion, which they named 'SPLM/A-Nasir' after the town of Nasir where it had been launched created an internal crisis within the SPLM/A. While the SPLM/A-Nasir's condemnation of Garang's leadership style as well as the call to fight for the recognition of self-determination for the people of South Sudan won the sympathy of southern fighters, it did not take long before observers discovered that personal ambition stood at the centre of the revolt. Furthermore, the ethnic character of the split indicated that the SPLM/A-Nasir was not in fact an inclusive Southern movement, but rather a movement that drew its membership from two ethnic groups, namely, the Nuer and the Shilluk. As Dowden observes, the Riek's rebellion had an "...ethnic flavour, since most of the commanders of the SPLA were Dinka and most of the rebels were Nuer or Shilluk."<sup>399</sup>

The SPLM/A-Nasir was to split again in 1994 along ethnic lines with Dr Lam Akol forming the SPLM/A-United whose membership was predominantly from his Shilluk tribe. Following Lam Akol's split from Riek Machar's SPLM/A-Nasir Faction, Riek Machar became the chairman and commander-in-chief of the newly established South Sudan Independence Movement (SSIM) whose membership was almost exclusively from the Nuer tribe. Ironically, Riek Machar and Lam Akol's newly formed movements turned to the Government of Sudan for support despite having called for southern secession from the north. Prior to Lam Akol breaking ranks with Riek Machar, "Collaboration between the Nasir faction and

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<sup>399</sup> Dowden. Africa. p.172

Khartoum was publically formalized with the agreement between Lam Akol and Ali al-Hajj Muhammed at Frankfurt in January 1992.”<sup>400</sup>

Riek Machar’s Nasir declaration of August 28, 1991 effectively led to the reversal of the SPLA’s victories in its eight years of existence. Indeed, the Government of Sudan did not only exploit the split inside the SPLM/A by supporting SPLM/A-Nasir, but also seized what it saw as a golden opportunity to challenge the weakened SPLM/A on the battlefield. Government forces therefore launched an offensive in February 1992 and, having been given free passage through areas under SPLM/A-Nasir control, it recaptured Pochalla, Pibor, Bor, Kapoeta, and Torit, pushing the SPLM/A into Eastern Equatoria along the Sudan, Kenya and Uganda border. As a result of these changes in the internal conflict environment, the SPLA itself was forced to resort to defensive action rather than taking the offensive. The situation for the movement became desperate as the government army’s dry season offensives of 1991-1992 and 1993-1994 were particularly effective. In response, the SPLM/A re-adopted guerrilla tactics, which it had abandoned when it was strong militarily. Prior to this, the SPLM/A was establishing administrations in its controlled areas such as Pochalla, Pibor, Bor, Kapoeta and Torit among others. As Oyai Deng Ajak notes, “the 1991 split led to me having to shift my military strategy from conventional warfare to halting advancing government troops.”<sup>401</sup>

Having failed to defeat the SPLA on the battlefield, the Sudanese government

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<sup>400</sup> Ahmed, E., 2009. The Comprehensive Peace Agreement and the dynamics of post-conflict political partnership in Sudan. *Africa Spectrum*, pp.133-147

<sup>401</sup> Ajak, O. D. (2013) Interviewed by Malual Ayom Dor, South Sudan, 20 June

resorted to an alliance with southern factions opposed to the SPLM/A in an attempt to achieve the same outcome by political means. On 4 April 1996, all the groups opposed to the SPLM/A moved to Khartoum and signed a political charter calling for a federal state and a referendum for southerners to “...determine their political aspirations” but the time frame for this and the manner by which it would be achieved was not specified.<sup>402</sup> The political charter was an underhand move by the Government of Sudan to derail the gains made by the IGAD mediators. Indeed, as Ann Lesch observes “During the hiatus, the government tried to bypass IGADD by signing a Political Charter (1996) with Machar, Akol, and other southern warlords.”<sup>403</sup> In 1997 the SSIM, the EDF, the SPLM Bahr al-Ghazal, the South Sudan Independence Group, and the Bor Group signed the Khartoum Peace Agreement (KPA) while Lam’s SPLM/A-United signed the Fashoda Agreement.<sup>404</sup> In essence, the Khartoum Government succeeded in weakening the Southern resistance as Riek Machar, Lam Akol and other defectors of the SPLM/A “accepted jobs in Khartoum, and the government gave their fighters guns to continue their tribal war against Garang.”<sup>405</sup>

There were many problems with the agreements signed between the Government of Khartoum and the SPLM/A breakaway factions. The lack of any international guarantee behind them made them look like a repetition of the Addis Ababa Accord of 1972. Furthermore, the factions that signed the agreements had diverging interests and this would make it very difficult for them to force any

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<sup>402</sup> Lesch, A. M. *The Impasses in the Civil War*. Arab Studies Quarterly. Spring (2001) Vol. 23, No.2. p.18

<sup>403</sup> Ibid

<sup>404</sup> The **Bor Group**, was formed by the late Major Arok Thon Arok a member of the SPLM/A Political-Military High Command in the mid-1990s. Like many SSDF groups, most of its members were originally in the SPLM/A but then left the organisation.

<sup>405</sup> Dowden. *Africa*. p.172

government in Khartoum to address southern grievances holistically. After all, if all of these southern groups had had converging goals they would have formed a single unified movement with a consolidated leadership structure to give themselves greater negotiating power with the Khartoum-based government. In reality, however, the sole basis for unity between the groups opposed to John Garang de Mabior as leader of the SPLM/A was their individual leadership ambitions, not a basis on which to formulate anything that would have constituted an ideology. The personal ambition for leadership led to the SPLM-Nasir breakaway faction splintering a mere three years after its creation, with Dr Lam Akol creating his own SPLM/A-United breakaway movement in 1994. The historian Robert Collins noted that personal rivalries, characteristic of the southern Sudanese elites, had always been the weakness of the various southern movements that had sought redress of the grievances of the southern region from Khartoum.<sup>406</sup>

The KPA brought together the various military groups under the umbrella of the South Sudan Defense Force (SSDF) and provided for the establishment of a political wing, the United Democratic Salvation Front (UDSF). In the same spirit of governance created by the 1972 Addis Ababa Agreement (AAA), the KPA created a South Sudan Coordinating Council (SSCC) led by Riek to administer the areas controlled by the government in the South. The SSDF members believed that the KPA was an important step toward the realization of southern self-determination but what was granted was no different from what had been promised in the AAA of 1972. Furthermore, even if Khartoum had, in reality,

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<sup>406</sup> Collins, Robert O. *The southern Sudan, 1883-1898: a struggle for control*. Vol. 76. New Haven, Yale University Press, 1962. p.200



genuinely granted this major concession of self-determination to the south through the KPA in 1997, it is difficult to understand why it would have done so through southern groups wielding no significant power after it had declined to do so with the SPLM/A, which had exercised real power, three years earlier in the IGAD-sponsored talks in Addis Ababa. The alleged concession only makes sense if, in reality, it was no concession at all because it would never have been put into effect outside the over-arching hegemony of the government in Khartoum. In essence, the NIF, which dominated the government in Khartoum, probably wanted to reduce any threat posed by these groups to its ultimate control over the South by offering concessions.

This was especially important in the context of the Bentiu oilfields<sup>407</sup> where Riek's heavily armed forces could have seriously interfered with their operations. The southern groups fell for the illusion of power because, in effect, a meaningful concession of self-determination could not be granted. After all, the Sudanese government's increasing reliance on the hydrocarbon resources located in the southern part of the country meant the south had to remain an integral part of Sudan more than at any other time in the country's history – a matter of which should have made southerners suspicious of the NIF's backing of the separatist movements in the south. Indeed, some Southerners quickly dismissed the KPA as a hoax. Elijah Malok noted that any self-determination process that would have been supervised by the security organisations controlled by the NIF would definitely have been rigged in favor of national unity. Without international

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<sup>407</sup> As noted in Human Rights Watch, Chevron was granted its oil concession by the Government of Sudan in 1974 shortly after the AAA. Chevron discovered oil in the then semi-autonomous southern Sudanese region of Bentiu. Further information on 'The Chevron Period: 1974-92' can be found at <https://www.hrw.org/reports/2003/sudan1103/10.htm>

guarantees to ensure that self-determination would be a reality, there was nothing to celebrate in Riek Machar's alleged achievement through the KPA, for it was little more than a hoax. Fortunately majority opinion in the south had not been deceived; the SPLM/A's critique of the charter found it to be not only a challenge to the very concept of self-determination, but also to be a betrayal of truth and reality.<sup>408</sup>

Timothy Tot Chol, who comes from the Nuer tribe, just like Riek Machar, wrote to Commander Peter Bol Kong who had joined the SPLA-Nasir but who then returned to the SPLA mainstream following the signing of the KPA:

"I congratulate you and all your officers and men for the patriotic move you have taken to disassociate yourselves from the Muslim Fundamentalist Regime. It was very clear from the beginning that the whole thing was a hoax and that no just and viable peace could be reached with the fascist regime of Omer El Beshir. Omer had wanted to use our great Nuer People as a proxy force to fight the SPLM/A on their behalf. Never in the history of human conflict had an Accord been reached in the home of one of the principal parties to the conflict as was the case with the so-called Khartoum Agreement. Of course it was a cheap machination to pit our people against each other. All of us want the war to end but it must end with the achievement of our aspirations including Self-Determination for the South, Nuba Mountains and the Ingessena People (Southern Blue Nile). Our experience since 1991 is evidence enough that separate co-

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<sup>408</sup> Aleng. South Sudan. p.231

existence is neither workable nor viable.”<sup>409</sup>

The NIF, in short, had scored another victory, viewing the KPA as a mechanism to weaken the SPLM/A as well as a precondition for developing the oil industry in Unity State and Upper Nile. It ensured that issues over the implementation of the KPA were never broached publicly and the southern groups who now relied for their weaponry on Khartoum helplessly watched the NIF undo the agreement they had so unwisely signed. Riek, realizing far too late, that he had been tricked, ended his alliance with the NIF in December 1999 and moved to Nairobi, where he reinvented himself by creating yet another armed group, the Sudan People's Democratic Front (SPDF). After achieving nothing with this initiative, Riek returned to the SPLM/A in 2002. He had little to bring back to it other than, perhaps, the reunion of the Nuer and the Dinka, which John Garang de Mabior badly needed to strengthen the SPLM's negotiation position internationally and in Kenya where negotiations would actually take place. Riek's alliance with the NIF had left the Bentiu oilfields securely under its control and southern oil that now had arrived in the international markets provided the NIF-dominated government with the finance needed for new and sophisticated weapons, which further hindered the SPLA's military potential, so that this became one of the reasons which forced it to accept an agreement at Machakos.

The opportunistic defections and re-defections of Riek Machar and Lam Akol suggests that their actions were not a result of ideological differences with the SPLM/A, but rather a result of leadership aspirations. Indeed, Machar left the

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<sup>409</sup> An open letter to CDR/ Peter Bol Kong and the Upper Nile Provisional Military Command Council (UNPMCC), dated 21/12/1999, Archives at the South Sudan Embassy, Nairobi Kenya.

SPLM/A, moved to Khartoum and joined the government, defected again from the government and formed the Sudan People's Democratic Front (SPDF) and the Sudan People's Defense Force<sup>410</sup> and eventually returned to the SPLM/A in 2002. Nevertheless, the SPLM/A's primary aim was amended to one of self-determination during the 1994 Chukudum Conference to accommodate the opinion of Southern Sudanese that had called for self-determination but had remained loyal to the movement. This was a major shift from the original goal expressed by the movement during its nascent years of wishing to reformulate the political dispensation of Sudan as a unitary state. In the event, however, the SPLA experienced little difficulty in marshalling support for its cause, particularly after the mid-1990s, when its human rights record improved "as US policy-makers indirectly provided promises of material and moral support to the SPLM/A in return for a better human rights record."<sup>411</sup>

Initially deemed to be too poor to be viable as an independent state, the South was now viewed differently by Khartoum following the opening of the oilfields. In attempts to control the South's mineral wealth, "The central government tried to redraw boundaries in order to remove resource-rich areas from the South and annex them to the North."<sup>412</sup> Yet another proof of the North's increasing dependence on the South showed up in the talks leading to the CPA where the Sudanese government delegation asked for up to ten years as the interim period for the sharing of natural resources in the South on a 50-50 basis between the two sides. The NIF-dominated government had, by then, realized that it was the

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<sup>410</sup> Checkel, J.T. (ed.) (2013). *Transnational Dynamics of Civil War*. Cambridge University Press. p.158

<sup>411</sup> Aleng, South Sudan. p. 231

<sup>412</sup> Wawa, Y. *Southern Sudanese*, p.18

SPLM/A that was the sole authority, the valid interlocutor, with which to discuss southern grievances. In essence, therefore, the regime, having been seriously outclassed on the battlefield, sought negotiations to end the conflict and the SPLM/A, having failed to take advantage of earlier opportunities, such as the fall of Nimeiri or the period before the fall of Mengistu, vowed not to repeat those mistakes and began, therefore, to take negotiations seriously.

The SPLM/A Political and Military High Command – the body responsible for war and political strategies – which had consisted originally of five permanent members and seven alternative members was expanded to make room for political accommodation and was replaced by the Movement's Leadership Council (LC) as the highest body of the movement. With the progression of the Second Civil War, the SPLM/A became more militarized and its leadership structure was amended in 1985 to no longer include civilian elements, as noted in Figure 13 below. Unlike the case of Uganda's National Resistance Army (NRA), where members of its political wing and its military wing jointly formed the highest executive decision-making body, namely the National Resistance Council, the SPLM/A LC excluded field commanders. This was because, in principle, the Leadership Council was not designed to be responsible for the management of military operations, but instead to devise policies in matters of civil structure and administration. It was also meant to portray the movement as a democratic organisation where decisions were taken collectively, but in actual fact this was not the case. This had been the way in which the NRA had become one of the few successful rebel movements in Africa and the first to defeat and replace an incumbent government. In both cases, the roles of Garang and Museveni had been

crucial for both the SPLM/A and NRA/M. However, with the sudden death of Garang the SPLM/A's program was not implemented, unlike the case of the NRM/A. While there had been important reforms in key areas such as the constitution, the civil service, economic management, the army and local government in the case of NRM/A, the SPLM/A vision died with Garang.

Nonetheless, in the SPLM/A, an expansion of the leadership structure was affected in 1994 as changes in the external environment favoured a participatory approach to governance as opposed to a dictatorial military command approach. But placing decisions in the hands of many officers whose loyalties were in question (because of their former links to other organisations with different ideological perceptions) presented a risk and the top echelon of the movement then had to grapple with these new problems. The Chairman, John Garang de Mabior, seemed to have allowed the changes in principle but kept the system tightly under his personal control. As Young notes: "...on the surface this is not surprising, because Garang had been the leader of the SPLM/A since its founding in 1983 and for many in Sudan and abroad he virtually personified the struggle of the South."<sup>413</sup>

Garang's colleagues resented this although they went along with it for the sake of achieving the movement's original goal. For instance in 2004 in a meeting in Rumbek, the SPLM/A's Number 2, Salva Kiir Mayardit, registered his disappointment with the way the Movement was operating:

"We have no cohesion within our leadership structure because there is no

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<sup>413</sup> Young, J. (2005). John Garang's legacy to the peace process, the SPLM/A & the South. *Review of African Political Economy*, 32(106), pp.535-548

code of conduct to guide the Movement's structures. When the Chairman leaves for abroad, no directives are left and no one is left to act on his behalf. I don't know with whom the Movement is left; or does he carry it in his own brief case? The Chairman is everything, from a finance officer to one at the lowest level.”<sup>414</sup>

This was the same complaint to those registered by numerous other commanders so that the Rumbek Meeting became another instance where SPLM/A leader cadres expressed a desire for change and some explicitly cited what the consequences of resisting such changes in the past had been. Yet, despite the questionable leadership structure, organisation was the key to the ultimate success of the SPLM/A in obtaining independence for the South, especially after losing its founding leader John Garang de Mabior on the July 30, 2005 who died in a helicopter crash on the way back to Southern Sudan from Uganda, 21 days after his appointment as the First Vice President of the Sudan. The SPLM/A was able to shift from its original ideological revolutionary position stressing the restructuring of power structures at the centre of the Sudanese state to a more pragmatic position of fighting for the right to self-determination for the people of Southern Sudan. Riek Machar and Lam Akol who led the Nasir<sup>415</sup> coup (and issued the Nasir Declaration) on August 28, 1991, which aimed to depose Garang from the leadership of the movement, had hoped that their unequivocal advocacy of secession would isolate Garang and bring other Southerners to their side. As Douglas Johnson states: “They calculated that their call for independence would

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<sup>414</sup> SPLM/A General meeting, Gorok Rumbek 22-29 December 2004

<sup>415</sup> Nasir is a city in the eastern part of South Sudan on the Ethiopian -South Sudan border. It is where the SPLA split of 1991 was announced.

appeal to most Southerners.’<sup>416</sup>

### Chapter Conclusion

In summary, the organisational evolution, composition and functionality of SPLM/A exhibit a pattern of learning. This was manifested in the SPLM/A's refusal to tolerate a repetition of the failures associated with the Anyanya movement namely, the civilian leadership of a military movement and a loose military alliance of various militia groups. To avoid the mistakes that hindered Anyanya's progress, Dr Garang chose to establish a military leadership at the outset. Furthermore, during the establishment of renewed southern resistance in the early 1980s, Dr Garang attempted to unify his support base with that of the former Anyanya veterans. Having failed to convince the Anyanya veterans to fight for a unified New Sudan, Dr John turned to military means to ensure the existence of only one southern Sudanese rebellion.

The SPLM/A's organisation and its 'learning by doing' demonstrate the importance of flexibility to adapt to ensure the survival of an organisation when confronted by threatening changes. The SPLA/M's adaptation capacities and the institutionalized flexibility within its organisation, structure and political narratives, therefore, reveal that they contributed significantly to the survivability and success of the SPLM/A in the midst of all the internal, regional and international dynamics. Above all, the SPLM/A's adaptability and therefore its success were equally enhanced by the type of leadership personality that was able to read and forecast the ever changing internal and external socio-economic and

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<sup>416</sup> Johnson. *African Guerrilla*. p. 64



political events and then define the SPLM/A's narratives within them.<sup>417</sup>

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<sup>417</sup> There are many commentators on the Sudanese situation who believed that without the charismatic leadership of Garang the SPLM/A would have not achieved the independence of South Sudan.

## Chapter 5: The SPLM/A and the Northern Constituency

*“Our major problem is that Sudan has been looking for its soul; for its true identity”<sup>418</sup>*

Although the issue of a constitution in conformity with Islam had been debated since independence, President Jaafar Muhammad Nimeiri's Presidential Decree of September 1983 imposing Sharia on the country placed the issue squarely on the public agenda, leading to increased tensions and eventual conflict between the Northern-dominated Government and the South.<sup>419</sup> Eventually the conflict resumed in 1983 when the Khartoum Government unilaterally abrogated the Addis Ababa Agreement, divided the South into three regions, reduced the powers of the regional governments and imposed Sharia Law on the whole country, including the non- Muslim South. The rebellion was triggered when the Government attempted to transfer Southern battalions to the North, thereby removing their capacity to resist. The rebels fled to Ethiopia where they received strong support, which helped them organise themselves and equipped them militarily, turning them into a strong force against the Government. This time the South was better organised than during the Anyanya-led war between 1955 and 1972, fighting the war under the leadership of the Sudan People's Liberation Movement and its military wing, the Sudan People's Liberation Army (SPLM/A).

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<sup>418</sup> See Deng, F. M. (2011). War of Visions: Conflict of Identities. Political Science, p.445, Khalid, M. (2012). War and Peace in the Sudan. History. P.315. Agathangelou. A. M. (2003). Arabs revolutions & the World Transformations. Political Science.p.15 & Lesh, A.M. (1998). The Sudan: Contested National Identities. Islam 7 Politics. p.89

<sup>419</sup> As defined by M S Satish Chandra, ‘conflict is a behavior by a person or group that is purposely designed to inhibit the attainment of goals by another person or group’. Chandra, M S. 2014. Conflict Management. India. Rajah Pub. p.2

Although the SPLM/A was composed largely of Southerners under Christian leadership, non-Arab ethnic groups from the North and liberal-minded Northerners who shared with the movement a vision of a secular, democratic Sudan later joined it.

This chapter explains the tactics used by the SPLM/A to deal with Northern Sudan. The SPLM/A adopted a strategy of a loose alliance with sympathetic groups in the North in the pursuit of a united New Sudan. Without such an initiative, dealing with the North and with the changing nature of government there, from Jaafar Nimeiri to Sadiq al-Mahdi and then to Omar Hassan Ahmed Al Bashir, would have been very difficult. An example of such an alliance with northern parties includes the 1986 Koka Dam Declaration, which was an agreement between the SPLM/A, the National Alliance for National Salvation that represented 14 northern political parties and 22 northern trade unions. A further example is the 1989 Charter of the National Democratic Alliance, which included the SPLM/A, representatives from nine northern political parties and 51 trade unions. The failure of the Addis Ababa Agreement (AAA) was an important factor in the negotiation of the 2005 Comprehensive Peace Agreement (CPA). Hilda F. Johnson who was instrumental in the CPA negotiations and later, following the independence of South Sudan, became the Special Representative of the Secretary General (SRSG) in South Sudan carefully observed the peace talks and has stated: “The SPLM/A ‘s ‘redlines’ in the protracted negotiations were largely results of perceived shortcomings of the 1972 arrangements and the way in which those had or had not been implemented.”<sup>420</sup>

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<sup>420</sup> Johnson, H. F. (2011). *Waging peace in Sudan: the inside story of the negotiations that ended*

A civil war between the North and the South had already begun in 1955, a year before independence, continuing until the Addis Ababa Agreement of 1972 granted regional autonomy to the South. Yet most Southern Sudanese favoured self-determination, which eventually only became a reality on 9 July 2011. Under the Addis Ababa Agreement, the integration of the Anyanya forces into Sudan's national armed forces had failed and it was clear during the CPA that security of arrangements had to include a provision for Sudan to have two armies during the interim period.

As mentioned above, the SPLM/A strategy towards the North had been based on loose alliances with sympathisers. Independence from the North dictated a changing and flexible method of war and the SPLM/A at some point had to accommodate competing opinions - unity for the North and secession for the South. The SPLM/A, therefore, had to be able to tailor its objectives to fit realities on the ground - the independence of South Sudan on one hand and the unity of Sudan on the other. This was to prove to be problematic and there were serious differences of opinion on the means by which self-determination should be expressed. Some influential Southern political figures, among them Bona Malwal and Abel Alier, believed that the South should rally around the right of self-determination, instead of pursuing the goal of a united, secular, democratic Sudan. But self-determination for the South was not only a problem for Sudan alone but was seen as a conspiracy to destroy the Sudanese state by the Arab World as a whole. For example the Egyptian foreign minister, Ahmed Maher,

publicly condemned self-determination for the South on Egyptian television as such a conspiracy.<sup>421</sup>

Dr John Garang was acutely aware of the southern call for cessation, but was also aware that such a call would be self-defeating since the Government of Sudan would be unwilling to concede any territory unless it was forced to do so. As Francis Madinf writes, “In the view of the SPLM/A leadership, Northern leaders paid only lip service to self-determination, but would never concede to the South the right to secede. Garang argued that only military pressure and self-preservation would force them to make that concession.”<sup>422</sup> The SPLM/A therefore needed alliances with forces from the North to maintain political and military pressure against the Government in Khartoum. And this, according to Garang, was only possible through the objective of a unified, secular, democratic Sudan, rather than by focusing on self-determination for the South, which would lead to the SPLM/A losing the support of other marginalised groups in northern Sudan namely, Southern Kordofan, Nuba Mountains and Darfur. The SPLM/A leadership therefore believed that the best way to achieve self-determination for the South was to focus on the alliance with the North.

Learning from the shortcomings of the Anyanya I & II approach of seeking an independent Southern Sudan during the first Sudanese civil war, the SPLM/A changed the narrative of the war by framing it as a national crisis between the center and the peripheries. It did this by first recognizing, in the words of its

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<sup>421</sup> Johnson, D. H. (2003). Enforcing separate identities. *Les ethnies ont une histoire*, p. 235

<sup>422</sup> Deng, F. M. Sudan – Civil War and Genocide, available in the Middle East Quarterly at <http://www.meforum.org/22/sudan-civil-war-and-genocide>

leader John Garang, that: “Our major problem is that Sudan has been looking for its soul; for its true identity.”<sup>423</sup> According to this perspective, the Sudanese conflict was a crisis of national self-identification caused by the violent clash of two main identities: an Arabic-Islamic identity (associated with the North), which was propagated through assimilation of all elements of the state under a single identity, and a non-Arab and non-Islamic identity (associated with the South and other peripheral regions of the Sudanese State), which adopted resistance as its means for survival.<sup>424</sup> The political, social, and economic status of the various groups which made up the heterogeneous population of the country began to be determined by these varied identities, which led to violent conflict pitting those seeking the restructuring of a complex national identity to accommodate every citizen (what the SPLM/A called the New Sudan) against those who wanted to maintain a narrowly defined single national identity. Thus the definition of a holistic approach to the Sudanese problem became an advantage in achieving national unity and provided a background of support for national liberation among Northerners. The Anyanya, which had called only for the liberation of South Sudan, could not win Northern sympathy simply because of this factor. The SPLM/A’s holistic approach to the problem of Sudan, on the other hand, did win Northern sympathy, and indeed inspired many groups in Darfur in the West, in Eastern Sudan, in Southern Kordofan, and in Southern Blue Nile to rise up against the Centre, which could be thus portrayed as their oppressor and exploiter. As Kama el-Din correctly notes: “This diversity is not reflected in the leadership of the Country, as Sudan is characterized by a

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<sup>423</sup> Koka Dam opening speech of John Garang, March 1986, available at the SPLM Archives at the South Sudanese Embassy in Nairobi

<sup>424</sup> Deng, F. M. (1995). War of visions. Conflict of Identities in the Sudan, pp.101-134

persistent domination of the Centre over the marginalized peripheries.”<sup>425</sup> The Centre, of course, was located in the capital, Khartoum, and power was held by different elites from the Nile Valley area north of Khartoum. Even though this area contains less than 2% of the Sudanese population, the elites from this region have always utterly dominated the political and economic life of Sudan.

While learning is an inherent feature of decision-making, it also reflects how people discover the range of values that complement and enhance the decision-making process. The SPLM/A learned from Anyanya fighters’ mistakes, hence it reversed its policy for the struggle by calling for the liberation of the marginalized peoples of the Sudan as a whole, rather than just focussing on the South. This new call for the liberation of marginalized Arabs and Africans; Muslims and Christians therefore shifted the predominant belief which had informed past struggles and which Matthew LeRiche had correctly identified - intra-Sudanese conflicts have most often been presented as emerging from crude binary tensions; Arabs versus Blacks, Muslims against Christians, democracy versus dictatorship, secularism versus theocracy and, of course, the North versus the South.<sup>426</sup>

The SPLM/A’s approach of ‘learning by doing’ involved the process of framing issues, and analysing them within the context of social inclusiveness, in contrast to the North’s exclusive approach of imposing a single national identity without consultation. With independence in 1956, the Northern-dominated government in Khartoum had sought to Arabize and Islamize the South. It had two motives for

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<sup>425</sup> Kamal el-Din quoted in Brosche, J (2001) *The Crises Continue: Sudan’s Remaining Conflicts*, ISPI. p.6

<sup>426</sup> LeRiche & Arnold. (2013) *South Sudan: from revolution to independence*. Oxford University Press. p.23

this approach: a belief that homogenizing the country would ensure national unity and a desire to spread what it considered to be a superior civilization, Islamic Arabism. Some Southerners did convert, whether out of conviction or for other reasons, but most resisted.

However, even though it had little difficulty in capturing the loyalties of Southern populations, the SPLM/A had to expend more effort to convince the Northern constituency of marginalised and alienated groups that it really meant business and it was not merely using a slogan or a tool to advance the Southern objective of separating Southern Sudan from the rest of the country. SPLM/A also had to convince its Southern peers/constituency to support its vision of a united Sudan. Thus the SPLM in effect engaged to continue the armed struggle waged by earlier movements in a different manner for it saw the resolution of Sudan's crisis differently from the way they had done so in the past. SPLM/A believed that Sudan's salvation lay in the solution of both the 'national groups' and the religious questions within the context of a united, democratic and secular Sudan. A South Sudanese political writer, Francis Deng, elaborates:

“The clash of these two antagonistic cultural outlooks has implications that go beyond the borders of Sudan, for the two identity groups have affinities within and beyond Africa along both religious and racial lines that could potentially widen the circles of conflict. The Arab-Islamic world sees in Northern Sudan an identity that must be, and has been, supported. For it, the South serves as a dangerous rallying point for Christendom, the West, and even Zionism to combat Islam. While this is largely an exaggerated conspiratorial construct, it provides a strong basis for Arab-Islamic



solidarity with the North. On the other hand, black Africa sees in the plight of the South a humiliating racist oppression that must be resisted. While the commitment to African unity without racial or cultural distinctions inhibits overt support for the South, they have discreetly and clandestinely supported the SPLM/SPLA. The potential for an Arab-African clash over the Sudan remains real. There is no doubt that Sudan is as much a link as it is potentially a point of confrontation among converging diverse identities.”<sup>427</sup>

Thus, although the SPLM/A started by necessity in the South, it essentially aimed at spreading its message across Sudan, in order to transform the whole country by resolving a general crisis pitting the center against the peripheries of the country. It dawned on the SPLM/A leadership that marginalization in all its forms – discrimination, injustice and subordination – constituted the root causes of the conflict that could not be addressed in a piecemeal fashion by individual concessions to disgruntled and rebellious groups, whenever a conflict erupted in a particular region as had been tried with Anyanya I. As SPLM/A argued, Sudan had problems everywhere: in the West, in the East, in the Center, and even in the far North, thereby anticipating the subsequent outbreak of armed conflicts and wars in Eastern and Western Sudan. These later eruptions of violence have vindicated the accuracy and farsightedness of the SPLM/A’s analysis and vision. Defining the problem as the “Southern problem” an attempt by the government to marginalize southerners. The SPLM forcefully asserted that it was not the ‘problem of the South’ as conventionally argued by successive ruling regimes in

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<sup>427</sup> Deng, F. M. (2001). Sudan Civil War and Genocide, the Middle East Quarterly, available online at <http://www.meforum.org/22/sudan-civil-war-and-genocide>

Khartoum, but rather the ‘problem of the Sudan’, particularized in the south.

Contrary to previous secessionist movements, the SPLM advocated for the liberation of the whole of the Sudan from repressive governance, not only South Sudan. This paradigm shift in approach also marked a radical departure from the traditional struggle in the South for independence, as had been the case continuously since 1955 when the Anyanya war started. The objective had never been achieved for it was compromised in 1972 in the Addis Ababa Agreement when Southern Sudan was ‘given’ local autonomy. The SPLM, on the other hand, moved away from this paradigm of the “Southern problem”, solving the ‘Southern problem’ and what to ‘give’ to Southerners. The SPLM/A argued that when a group is defined as the ‘other’, as something different, as was the case with South Sudan because of the constant reference to the ‘Southern problem’, for instance, that is in itself a problem. It implies that the people who have a problem are the Southerners, but this was not the case for it was the Sudanese State, epitomized by the power structure in the Center, which needed to be radically restructured in order to accommodate Sudan’s manifold diversity and attend to all the forms of exclusion and marginalization of its people, be they in the South or in any other marginalized region in the state. Commenting on the SPLM/A’s new vision of a united New Sudan, Dr Mansour Khalid<sup>428</sup>, a Northerner, diplomat and writer, stated:

“...for years, after the abrogation of the Addis Ababa Agreement, the war deflagrated with vengeance; only came a great paradigm shift... under the

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<sup>428</sup> Dr Mansour Khalid was Sudan Minister of Affairs in the government of President Nimeiri and was a core member of government delegation in the Addis Ababa peace talks with Anyanya. He was also among the first northern Sudanese inspired by the SPLM/A vision of New Sudan resulting him to join SPLM/A. He remained SPLM/A member till the time South Sudan seceded from Sudan. He authored number of books including the one being cited here.

leadership of John Garang de Mabior , the Sudan People's Liberation Movement/Army (SPLM/A) was launched as a politico-military organisation... One 'S' of Lagu's organisation had been dropped... The newly formed Southern-based movement dedicated itself to remedying the mistakes of the past through the creation of a New Sudan to put an end to all historical hegemonies: political, economic and cultural... This is to be achieved through going back to the drawing board: convening a national constitutional conference that brings together all political, social military and regional forces of the country to redraw the political map... The SPLM/A, therefore, did not seek to create Sudan through the barrel of a gun...on the contrary, it left it to the Sudanese people to decide for themselves whether they wanted to have a stable, peaceful, just and united Sudan, or wanted their country dismembered... Also, by presenting those broad lines for a new political dispensation, the old Southern calls for justice, which were in the past ill defined and sometimes inchoate, would find in their articulation a united Sudan writ-large... besides, by giving a socio-economic dimension to the political aspirations of Southerners, and a cultural dimension to the cultural sensitivity, the proposed political dispensation has virtually decoded the mute anguish as well as the monosyllabic aspirations of the people of the South.”<sup>429</sup>

From the SPLM/A perspective, the Sudanese state was rotten to the core. Unlike the Anyanya movement, the SPLM/A's inclusive agenda made it into a political melting pot for all the variegated marginalized groups outside the central Nile

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<sup>429</sup> Khalid, M. (2003). *War and Peace in Sudan: A Tale of Two Countries*. USA. Routledge, p.xiv

Valley core that made up the Sudanese people. For the first time in its history of independence, many different groups including Northerners were able to coalesce around a common and shared national objective: the removal of the military government. During the early 1990s, northern parties were keen to see the governance of Sudan return to civilian hands after the Sudanese coup of 1989, which led to the ousting of Sadiq al-Mahdi's democratically elected Umma Party. The groups that formed the anti-government alliance included the SPLM/A in the South and prominent northern parties including the Umma Party and the Democratic Unionist Party. Perhaps the Northern-Southern political alliance can be described as an alliance of convenience that was precarious at best. Indeed, before attaining political leadership in 1986, Sadiq al-Mahdi had worked closely with the SPLM/A in order to overthrow the Nimeiri regime. The close coordination between Sadiq al-Mahdi and the SPLM/A culminated in the March 1986 Koka Dam Declaration. The follow-up post-Koka Dam Declaration Summit that was organised to operationalize the terms of the declaration and attended by the then prime minister, Sadiq al-Mahdi and Dr John Garang failed to move the Sudan transformation process forward because of disagreements over constitutional matters. Whilst in power between 1986 and 1989, Sadiq al-Mahdi distanced himself from the SPLM/A until his overthrow in 1989 after which he began engaging the SPLM/A once more, which culminated in the Charter of the National Democratic Alliance.

### Difficulties of Bringing the Northern Constituency On-board

The SPLM's grand objective of bringing about radical and fundamental change in the Sudan as a whole was regarded an elusive dream both in the North and the

South, although Garang considered it an attainable objective, premised on victories to be achieved by the whole Sudanese people and on an accurate and visionary definition of the central problem of Sudan. Since its inception, the SPLM had critically and objectively analysed the Sudanese reality on the ground and had concluded that a struggle would have to be waged for a new type of Sudan to which all could belong; a united Sudan, albeit defined on new bases; a new political dispensation for the country that was anchored in and based on the Sudanese reality, on both historical and contemporary diversities.<sup>430</sup> This new political dispensation would be the New Sudan, as opposed to the current Sudan, which had experienced almost three decades of war since independence to the formation of the SPLM/A. Garang highlighted the following models for solving the conflict in Sudan as illustrated in Figure 14: the establishment of a transformed democratic and secular New Sudan, which Garang viewed as the preferred option; failing this, Garang viewed an alternative option as the establishment of two states within a confederation, a solution popularly referred to as one country, two systems; however, the final model that Garang considered was the secession of the southern region of Sudan.

However, the Northerners remained sceptical of Garang's vision of a New Sudan. As Mohamed Suleiman clearly states: "It has always been questionable, however, whether the SPLM/A would be able to maintain this position in the face of huge practical and psychological obstacles, not least that most of its rank and file were motivated to fight by ethnic and religious difference."<sup>431</sup> But more importantly Southern sceptics, so far as the New Sudan vision is concerned were also present

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<sup>430</sup> Deng, Sudan Civil War. p.9

<sup>431</sup> Suleiman. Civil War. p.11

within the ranks of the South. As Francis Deng describes:

“Notwithstanding the rhetoric of the leadership in favor of a united Sudan, most Southern Sudanese favor self-determination and perhaps eventual secession...There is, however, a serious difference of opinion on the means to self-determination. Some Southern political figures, among them Bona Malwal and Abel Alier, believe that the South should rally around the right of self-determination, instead of pursuing the goal of a united, secular, democratic Sudan.”<sup>432</sup>

Indeed there had always been internal differences within the SPLM/A over the vision of a united New Sudan since its inception and which continued throughout the duration of the armed struggle. These disagreements degenerated into violent confrontation at various historical junctures in the evolution of the SPLM/A between 1983 and 1991, which served as turning points in the history of the SPLM/A. In 1983 Anyanya veterans led by Akuot Atem and Samuel Gai Tut objected to the notion of a unified New Sudan, preferring Southern secession; a position that ultimately led to a violent confrontation. Furthermore, the 1991 split within the SPLM/A ranks led by three senior members of the SPLM/A Politico-Military High Command namely, Riek Machar Teny, Lam Akol Ajawin and Gordon Kong Chol once again led to violent confrontation as a result for calls for southern self-determination. In short, the vision of the New Sudan, and the adoption of the objectives and programs consistent with it, had its share of difficulties and troubles throughout the history of the movement. However, the seriousness of SPLM/A dissidents' demands for self-determination can be

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<sup>432</sup> Deng, Sudan - Civil War. pp.13-21

brought into question, as they ultimately became proxies for the Government of Sudan in its fight against the SPLM/A. Perhaps their desire to overthrow Dr John Garang was a result of their leadership ambitions rather than because of a differing vision of the ultimate objective.

However, history has shown that the phenomenon of divisions and splits is a common occurrence within liberation movements in the African continent. Divisions are often a result of power struggles underpinned by ethnic factors disguised as differences in ideology. This was the case with the SPLM/A when Riek Machar split from the mainstream movement citing ideological differences with Dr John Garang yet drew the vast majority of his supporters from his Nuer tribe. Ironically, Riek Machar began receiving material support from the Government of Sudan even though he had split off from Garang's group because of his alleged desire to fight for southern secession from the north. This was a phenomenon that clearly validated the argument that few wars are ever fought in the name of their real causes, leaving one to conclude that the split within the ranks of the SPLM/A was solely due to political rivalries and leadership ambitions. Riek Machar's group later split into Dr Lam Akol's SPLM- United, which drew the majority of its support from his ethnic Shilluk people and Theophilus Ochieng's Equatoria Defence Forces, which drew its support mainly from the Madi and Acholi ethnic groups from the Equatoria region. The case of the Uganda Bush War, which brought President Yoweri Kaguta Museveni to power, also demonstrates how ethnic dimensions give rise to the formation of various armed groups despite their unified goal of overthrowing President Milton Obote. Indeed, Museveni's National Resistance Army drew the majority of its

support from the Banyakole people of south-western Uganda, whereas the Uganda National Liberation Front drew the majority of its support from the Nubi people of the Western Nile region and the Uganda National Liberation Army, drew the majority of its support from the Acholi people of Northern Uganda.

Furthermore, geopolitical shifts in the early 1990s had an impact on the Second Sudanese Civil War. These shifts were to mark a global transition from one historical and geopolitical era to a new epoch in world affairs whereby Western capitalist ideals were to be promoted in historically communist countries such as Ethiopia. The collapse of the Soviet Union at the start of the 1990s, along with the ousting of President Mengistu by the Ethiopian People's Revolutionary Democratic Front in 1991, meant that in Russia, the SPLM/A lost a key global proponent of communist ideology that had provided the ideological framework for Dr John Garang's movement at the same time as it lost its base of operations in Ethiopia. The resultant blow of geopolitical and regional realities were further compounded by the Government of Sudan's attempts to destroy the SPLM/A through the use of southern militias that had split ranks with Dr Garang's mainstream movement at a time where regional and international shifts dictated that internal southern unity was needed more than divisions along ethnic lines. The Government of Sudan capitalized on the SPLM/A's internal troubles to undermine the movement and to reverse the political and military gains it had made since its inception. The SPLM/A was forced to once again begin cultivating regional and international support for its cause, which would mean having to depart from its communist leanings through a process of internal restructuring. The 1994 Chukudum Conference provided the forum whereby the SPLM/A



adopted a more democratic system in which civilian participation was encouraged in the leadership of the armed rebellion.

The SPLM/A convened its first National Convention in the period between 2-12 April 1994 with the objective of debating all issues of concern to the movement and to determining its future direction, especially in the aftermath of the 1991 split. The Convention addressed the issue of self-determination as a popular right that did not contradict the SPLM objective of a united democratic New Sudan, but on the contrary enhanced it. Indeed, it went on to argue that the New Sudan could only be achieved through the mechanism of self-determination as an expression of the free will of the Sudanese people. The ensuing debate during the Convention, therefore, reaffirmed the argument that the realization of the New Sudan vision, brought about either through a combination of armed struggle and urban popular uprisings or by a politically negotiated settlement, would be the key to the attainment of freedom, equality and justice for the Sudanese people. As Garang observed:

“We can achieve our aim, whether this is the New Sudan, self-determination, or separation, only if power is radically restructured in the center, in Khartoum. It is unthinkable that the regime will voluntarily relinquish power or be forced by international pressures to grant separation on a silver plate! It was thus decided in unequivocal terms that the establishment of the New Sudan and the achievement of the right to, and exercise of, self-determination are the two principal objectives of the Movement.”<sup>433</sup>

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<sup>433</sup> Garang’s recorded speech available at the SPLA military archives, Department of Moral

However, the concept of the New Sudan clearly would have to be the subject of more elaborate explanation if Northerners were to be brought on board for there were those who were sceptical about the New Sudan vision and they were not confined to the SPLM membership. This led Garang to remark: “There are those, particularly in Northern Sudan, who condemned outright the vision merely because it came from a source unfamiliar to their minds and hearts.”<sup>434</sup>

It is not surprising that some radical elements in the North would resist change as they benefitted from the governance system in Sudan and were therefore keen to maintain the status quo. In the minds of the SPLM/A’s top leadership, especially its leader, John Garang de Mabior, these forces were therefore bent on propagating a distorted image of both the vision and of the SPLM itself in order to mislead and frighten away current and prospective SPLM/A supporters. The SPLM/A and its vision of New Sudan was painted by its northern neighbours as an African, Christian, anti-Arab and anti-Islamic entity, which, in collaboration with Zionism, would be intent on doing away with the Arab-Islamic identity of the Sudanese. Such unfounded suspicions, fuelled by racism and religious bigotry, would not stand the test of time and have been roundly and effectively disputed.<sup>435</sup> Contrary to what the Northern critics and sceptics thought and claimed, the concept of the New Sudan according to the SPLM/A had no racial, ethnic or separatist connotations but rather, it was a national project, for building a true and sustainable citizenship-based state, capable of accommodating the

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Orientation, SPLA GHQS Juba South Sudan. Accessed on 23 September 2014.

<sup>434</sup> Garang’s briefing to the SPLA officers in Bilpam, 1987, which is available at the SPLA Department of Information, SPLA GHQs Bilpam, Juba, South Sudan. Accessed on 23 September 2014

<sup>435</sup> Deng, F. (2007). Sudan at the Crossroads. MIT Center for International Studies Audit of the Conventional Wisdom series (March 2007). p.4

multiple diversity of Sudanese society. Indeed, when addressing his supporters via Radio SPLM in 1989, Garang noted the importance of a holistic approach to solving Sudan's political problems as opposed to focusing on the southern Sudanese region, observing that:

“Negotiations in the context of the so-called ‘Southern Problem’ is against the national interest and a recipe for disaster. Suppose we solve the problem of the South, we will soon have to solve the problem of the Jebels because the Nuba can also take up arms; after that the problem of the Beja and so forth. It is a national problem, not a Southern problem that we must address.”<sup>436</sup>

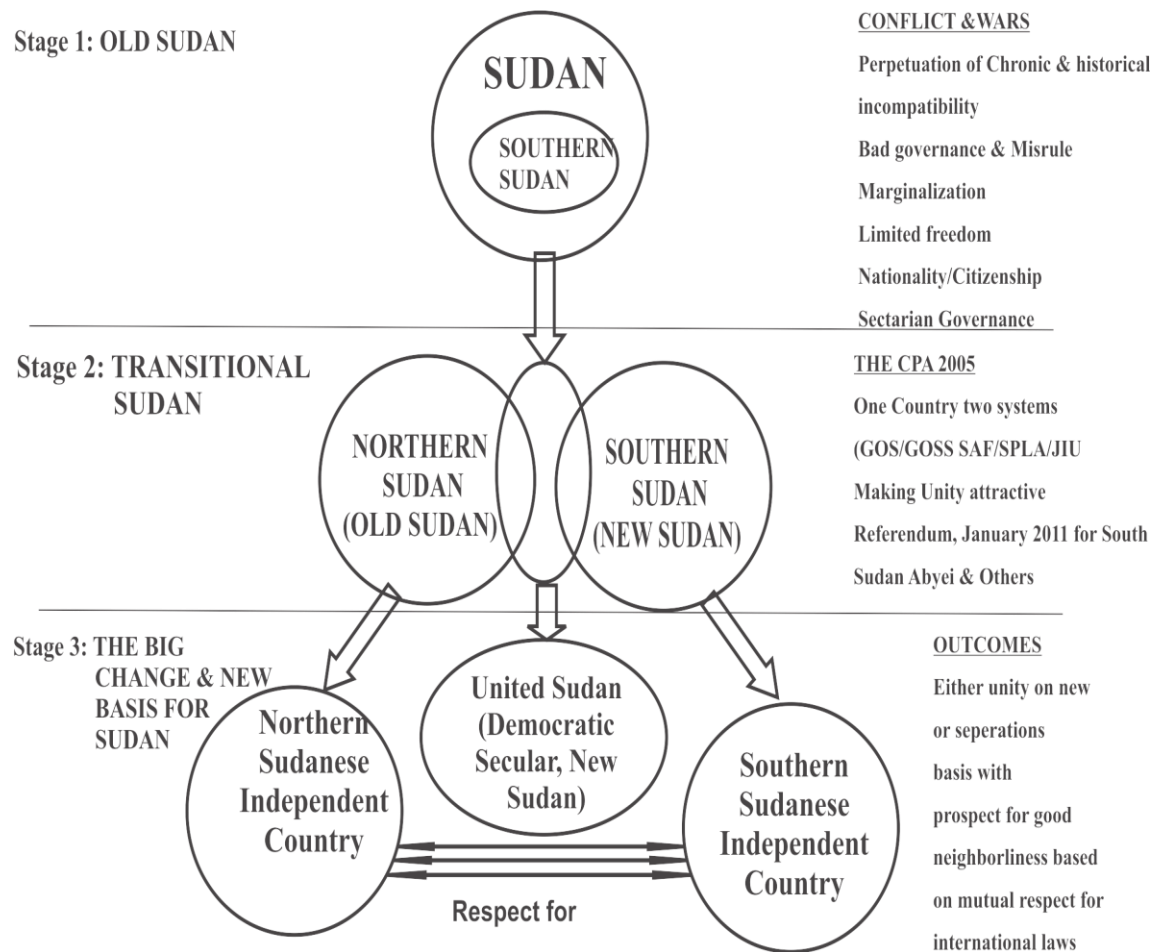
It was, therefore, vital to note that New Sudan as it was understood at the time, was a concept for radically reforming Sudan's governance system by addressing the national identity crisis that had been responsible for the wars, the instability, and the failure of the nation-building project that had afflicted the country since independence.<sup>437</sup> The gist of the crisis was that the dominant Arab group, which is in fact an African Arab hybrid and a minority, perceived the country in its own image as an Arab-Islamic nation. This inevitably discriminated against the non-Arab and non-Muslim populations in the South and even against other groups in the peripheral regions of the North, who, even though they are predominantly Muslim, are not Arab. The South, one third of the country in territorial extent and population, had been the first to rebel against this discriminatory framework in August 1955, a few months before independence on January 1, 1956.

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<sup>436</sup> SPLM/SPLA Radio broadcast to the Sudaese people on the continuation of the war after the overthrow of Sadiq el-Mahdi by Omer el-Bashir. 9th of August, 1989.

<sup>437</sup> Rothchild, D. ‘An interactive Model for State-Ethnic Relations’ in Deng, F. M. & I. William Zartman. (1991). (eds.), *Conflict Resolution in Africa*. (Washington, D.C: Brookings Institution), pp.201-203

**Figure 14: SPLM/A's Model for Conflict Resolution**



### The Northern Response to the Concept of New Sudan

The rebellion, which escalated into a 17-year war, was separatist in nature, but had been resolved in 1972 by a compromise that granted the South regional autonomy. The abrogation of the AAA in 1983 led to the resumption of the second rebellion by the SPLM/A that called for the unity of the country in the framework of a New Sudan in which there would be full equality of citizenship, without any discrimination based on race, ethnicity, religion, culture or gender. Over time, this vision began to appeal to the non-Arab northern groups and other

liberal minded northerners such as the people of Southern Kordofan (Nuba Mountains) and Blue Nile (the Funj people). This response did not emerge from nowhere. Large parts of the rural areas of northern Sudan were also marginalized. Sudan historian Douglas Johnson has correctly observed this. He argues: “The renewal of civil war in the Sudan in the 1980s came about in part because of the failure of the post-Addis Ababa Agreement Southern regional governments to meet expectations, but it also happened in the context of the further marginalization of large parts of rural areas of Northern Sudan.”<sup>438</sup>

Thus the vision of New Sudan presented by Garang was received with mixed reactions in the North. Northerners of African heritage such as the Nuba and Funj people embraced the SPLM/A and joined its ranks in large numbers. Furthermore, notable northern Sudanese of Arab origin such as Mansour Khalid who was a former cabinet minister in the government of President Nimeiri, Mohammed Wardi and Yasir Aman joined the ranks of the SPLM/A. Furthermore, the large reception that Dr John Garang received in 2005, estimated in the millions, when he arrived in Khartoum to be sworn in as Sudan’s first-vice president demonstrated the popularity that he commanded in the whole Sudan. However, there were also northerners that viewed the SPLM/A and its New Sudan vision with suspicion as an attempt to do away with the Arab-Islamic identity of the Sudanese.<sup>439</sup>

### Dealing with Defections whilst Facing the North in the Battlefield

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<sup>438</sup> Johnson, D. H. (1998). *The Sudan People’s Liberation Army and the Problem of Factionalism. African Guerrillas*. Oxford: James Currey, pp.53-72

<sup>439</sup> Deng, F. M. *Sudan at the Crossroads*, p.4

As the conflict continued into the 1990s, the unity of the SPLM/A came under severe strain over questions of participation in decision-making processes. Leading members of the SPLM/A PMHC challenged the leadership style of Dr John Garang de Mabior and accused him of absolute power and being “...interested in running the movement as his personal property.”<sup>440</sup> However, in order to weld together men of diverse and often hostile ethnicities into a disciplined force capable of scoring military victories against the Government of Sudan, Dr John Garang exercised firm control over the SPLM/A. Garang tolerated no insubordination; he alone determined SPLA strategy and refused to include his field commanders in the decision-making process. As Robert Collins observes:

“Certainly, John Garang’s leadership had been dictatorial, but his leadership had achieved a cohesion and coordination that had produced a succession of military victories and control of virtually all southern Sudan. Dissent was not tolerated, critics were ruthlessly removed or imprisoned...”<sup>441</sup>

The SPLA’s momentum suffered a serious blow as a result of the fall of its ally, in the person of Mengistu Haile Meriam, in May 1991. The SPLA’s sole decision-maker, John Garang de Mabior, had not read the signs of the inevitable demise of Mengistu’s regime; he refused to enter talks with the Ethiopian rebel groups who were poised to take power in early 1991. Following the fall of the Derg regime, the SPLA was unable to provide for its massive force of over

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<sup>440</sup> Comments by Dr Riek Machar Teny in Nasir, Upper Nile Province in 1991. Available at the SPLA Department of Information, SPLA GHQs Bilpam, Juba, South Sudan. Accessed on 17 March 2016. Also available online at <https://www.youtube.com/watch?v=KdsJvUo-XQI>

<sup>441</sup> Collins, R.O., 2008. A History of Modern Sudan. Cambridge University Press, p.204

100,000 fighters and this led to a sharp drop in the morale of the SPLA because: “...the morale of an army, as Napoleon called it, depends altogether on its material condition.”<sup>442</sup> The successes achieved on the battlefields were painfully reversed, pushing the search for peace out of reach for nearly a decade.

## Chapter Conclusion

By calling for a united New Sudan, the SPLM/A had learned from the inability of Anyanya to galvanize northern support as a result of its unitary call for secession. The SPLM/A changed the narrative of the war by framing it as a national crisis between the centre and the peripheries as opposed to it being a war between the north and the south, a viewpoint that was promoted by the Government of Sudan. During an SPLM/A radio broadcast in 1989 Garang observed that:

“The Junta considers the problem of war as ‘The Southern Problem’. You have heard the Junta repeat this time and again that the problem is the problem of the South. Obviously the Junta has a very shallow and distorted perception of the nature of the central problem of the Sudan... All past peace agreements, as you all know, from Koka Dam to the November 16 Peace Initiative, affirm that the problem is the problem of the Sudan and not the so-called problem of Southern Sudan.”<sup>443</sup>

The SPLM/A was acutely aware that it needed alliances with northern forces in order to maintain political and military pressure against the government in Khartoum. The Anyanya, which had called for the liberation of South Sudan on

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<sup>442</sup> Marx, K (1854). ‘Revolutionary Spain’. New-York Daily Tribune, October 30, 1854. Available online at <https://www.marxists.org/archive/marx/works/1854/revolutionary-spain/>

<sup>443</sup> SPLM/SPLA Radio broadcast on the 9th of August, 1989

the other hand, did not attract northern sympathies simply because of this factor. On the other hand, the SPLM/A's holistic approach to the problem of Sudan did win northern sympathy, and indeed inspired many groups such as Darfur in the west, as well as the populations of eastern Sudan, Southern Kordofan, and Southern Blue Nile to rise up against the centre, which had been portrayed as an exploiter. The key to this more comprehensive approach was the call for the liberation of marginalized Arabs and Africans, Muslims and Christians inside the Sudanese state, thereby shifting the predominant belief that the Sudan conflict was simply presented as growing out of crude binary tensions: Arabs versus Blacks, Muslims against Christians, democracy versus dictatorship, secularism versus theocracy and of course north versus south.

The SPLM/A engaged its northern constituency through its strategy of a unified New Sudan, which appealed to the marginalized people of the Nuba Mountains, Southern Blue Nile, Darfur and the Nubians in the far north. Over time, the SPLM/A formed alliances with northern political parties on the basis of establishing a new political dispensation for the whole Sudan. The SPLM/A's strategy of engaging northern political parties resulted in a number of significant agreements such as the Koka Dam Declaration of 1986, which brought together 14 northern political parties under the banner of the National Alliance for National Salvation and the 1989 Charter for the National Democratic Alliance comprised of the SPLM/A and nine northern political parties.

The eventual call for southern self-determination resulted in the SPLM/A having to adopt a strategy of flexibility whereby it could accommodate competing



ambitions: unity with the North and secession for the South. The competing ideologies within the SPLM/A proved problematic for the leadership of the movement. There now existed a stark difference in opinion on the direction that the SPLM/A should take, with its southern constituency calling for the prioritisation of southern independence and its northern constituency embracing the more unitary approach to resolving Sudan's political problems. The differences in opinion existed at the inception of the SPLM/A in 1983 and led to clashes between Dr John's forces and Akuot Atem and Samuel Gai Tut's Anyanya veterans. Ideological differences with regards to a united Sudan as opposed to southern secession resurfaced in 1991 when two senior members of the SPLM/A broke ranks on the basis of the need to fight for southern separation from the north. Riek Machar and Lam Akol's 1991 split from the SPLM/A resulted in the formation of the SPLM/A-Nasir faction. Although the SPLM/A-Nasir faction called for secession from the north, both Riek Machar and Lam Akol formed an alliance with the Government of Sudan in order to defeat Dr John's movement. The SPLM/A recognised the contradictions inherent in the SPLM/A-Nasir faction's position in its meeting at Beden Falls resolving:

“In summary, the SPLM/SPLA's PHMC observed that time has shown beyond doubt that the Nasir grouping was not about human rights. It was not about democracy and it was not about separation. The Nasir coup aided the enemy to recapture liberated towns, caused great damage to the SPLM/SPLA, denied the movement capture of Juba, caused incalculable loss of lives and properties and caused unprecedented misery to the people of Southern Sudan, particularly those of the Upper Nile. History will continue to record the destruction, suffering and betrayal caused by the

Nasir coup.”<sup>444</sup>

The SPLM/A’s call for a united New Sudan was accompanied by a series of difficulties. Indeed, it was this ideological framework that led to conflict between John Garang and the Akuot Atem’s Anyanya I veterans at the inception of the SPLM/A. Furthermore; the call for a New Sudan provided the justification for Riek Machar’s and Lam Akol’s split from the ranks of the SPLM/A in 1991. Although it was subsequently clear that the 1991 split resulted from Riek Machar’s and Lam Akol’s leadership ambitions, the SPLM/A-Nasir’s call for southern secession gave credence to their actions. Ultimately, it was the call for a New Sudan, which allowed Dr Garang to galvanize support from northern Sudanese and frame the Second Sudanese Civil War as a Sudanese conflict irrespective of race, ethnicity and religious orientation. With the support of both northern and southern Sudanese, the SPLM/A and the Government of Sudan were able to negotiate the CPA in 2005, which led to the people of southern Sudan being given the choice of staying in one Sudan or establishing a sovereign southern state. The resulting referendum in 2011 saw southerners choosing to form a sovereign state as opposed to remaining as citizens of the old Sudan.

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<sup>444</sup> The Bedan Falls Resolution (1992), Resolution No. 3: The Issue of Reconciliation and Reunification with the Nasir Faction, SPLM/A Assessment and Response to the Nasir Coup Makers, Bedan Falls August 7-9, 1992

## Chapter 6: SPLM/A and the External Constituency

One of the shortcomings of the Anyanya movement was its lack of diplomatic engagement during the First Sudanese Civil War. The Anyanya leadership had ignored the important role that diplomacy plays in mobilising military support as well as the role that it can play in peace processes. Although the AAA was eventually negotiated in Ethiopia, Addis Ababa only served as a neutral venue for the two parties, as opposed to serving as a location where regional and international actors could lend support to the peace process. As Sudan's Ministry of Foreign Affairs noted in 1973:

“Except for a few insiders, virtually no one was aware of the labyrinthine negotiation that went on between representatives of the Government and the Southern Sudan in various capitals of Africa and Europe. It was only after the news of the agreement resulting from the Addis Ababa talks was released that the outside world caught wind of what seemed to be a volte-face. The surprise was received with relief and gratification throughout the world, especially in Africa and within the group of non-aligned countries. In certain quarters the news was received with some caution, even scepticism, in the first few days. Following the initial shock, even the sceptic joined in the rejoicing welcome.”<sup>445</sup>

In the light of the experiences of Anyanya, Dr John Garang placed significant importance on developing diplomatic relationships with both regional countries

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<sup>445</sup> Sudan Ministry of Foreign Affairs (1973). *Peace and Unity in the Sudan: An African Achievement*. Khartoum University Press. p.79

and countries further afield. Since he launched the SPLM/A from Bilpam in 1983, Ethiopia became the first major regional ally for the movement. The SPLM/A further strengthened its ties with Ethiopia on ideological grounds through its approach to the war with the Government of Sudan. Indeed, Dr Garang framed the solution to the Sudanese conflict as one that required a new political dispensation for a unified Sudan as opposed to the earlier calls by Anyanya for southern secession. With Ethiopia fighting a separatist movement, Dr John's approach to finding a solution that did not require Sudan to amend its colonial borders automatically appealed to Ethiopian sentiments. The SPLM/A's relationship with Ethiopia was further buttressed when the movement released its initial manifesto in 1983, entitled 'The Sudan People's Liberation Movement's Manifesto', which manifested communist influences. The SPLM/A was to enjoy a strong partnership with the government of Ethiopia between 1983 and 1991, when the Derg finally collapsed.

Following the fall of Mengistu's government in 1991, Kenya became another country that held diplomatic interest for the SPLM/A because of the large number of southern Sudanese refugees that fled first to Ethiopia and then on to Kenya. The fall of Mengistu also meant the loss of the SPLM/A's base of operations, general headquarters and access to military logistics. The post-1991 period led to the SPLM/A having to look beyond Ethiopia for external support for the first time in its history. Regional realities and global shifts were to come into play after 1991, and the SPLM/A was eventually able to strike a relationship with a number of IGAD member states and key western nations such as the United States. This chapter discusses the way in which the SPLM/A approached both regional and

international relations in the face of these shifting realities. This discussion will also consider the SPLM/A's relationships with humanitarian organisations.

### Relations with the East African Region and the US

Like other revolutionary movements, the SPLM/A embraced socialism as a framework for bringing about a new political dispensation in Sudan. The SPLM/A's leftward leanings attracted the support of the communist government under Mengistu Haile Mariam.<sup>446</sup> Although the SPLM/A's first manifesto clearly underlined the socialist nature of the movement, the majority of the SPLM/A's rank and file had neither heard of Karl Marx nor of the Communist Manifesto.<sup>447</sup> Although the SPLM/A's professed aim was to create a socialist state in Sudan, little was known of the movement or of its real objectives. Furthermore, other than Garang, none of the five permanent members of the Political and Military High Command (PMHC), the supposed top decision-making body responsible for the military and political strategies of the SPLM/A, were known to be communists. Indeed, Kerubino Kuanyin Bol, William Nyuon Bany were former Anyanya guerrillas and Salva Kiir Mayardit were former Anyanya guerrilla fighters with limited basic education, let alone knowledge of the ideological theories of socialism and communism. Perhaps therefore, the SPLM/A was only communist by circumstance as it saw an opportunity, through socialism, to gain the support of Mengistu's government.

The significant assistance that the Derg regime offered to the SPLM/A by,

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<sup>446</sup> Henze, P. B. A (1998) Political Success Story, Journal of Democracy 9(4), p.41 accessible online at <http://addisvoice.com/Ethiopia%20under%20Meles/A%20political%20success%20story%20Paul%20Henze.pdf>

<sup>447</sup> Aleng, E. M. (2009). The Southern Sudan: Struggle for liberty. Nairobi: Kenway Publications. p.7

providing it with logistics and training, helped to shape the movement. However, this support had a negative impact on the SPLM/A as it made the movement over-reliant on Mengistu's government thus leading to a culture of dependence. The over-reliance on Derg, therefore, became a serious problem for the SPLM/A when the Mengistu government was overthrown in 1991. When asked in 1991 whether the developments in Ethiopia and Eritrea, following the fall of Mengistu, would make things more or less difficult to move towards peace in Sudan, Bona Malwal responded:

“They will probably make things slightly more difficult than they already are. Khartoum is celebrating the fall of the Sudan People's Liberation Army (SPLA), and taking the position that it need not negotiate seriously to end the civil war.”<sup>448</sup>

Indeed, the fall of Mengistu resulted in the SPLM/A losing its secure bases, its training sites and its supply routes, as well as its administrative headquarters. Thus the likelihood of the SPLM/A overthrowing the Government of Sudan through military means was now slim. By early 1994, the SPLA had been forced back to the borders of Kenya and Uganda and there were even predictions that it was on the verge of collapse. Such an outcome, however, was contingent upon the Sudanese government's forces taking Nimule and Kajo-Keji, where it had attempted numerous times to break through SPLA defences. The military threat was, however, real and the SPLA lost considerable ground in government offensives in Eastern Equatoria, Jonglei, and Bahr el Gazal.

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<sup>448</sup> Malwal, B., (1991). “The Regime has Simply Barricaded Itself in Khartoum.” Middle East Report, p.18

During the 1993-1994 dry season offensives, government forces concentrated their efforts on the banks of the Aswa River. They intended to recapture Nimule in order to control the important Sudan-Uganda border. In April and May of 1994, an exceptionally intense struggle raged between the SPLA and the SAF, which was supported by local militias from the Lotuko, Mundari and Toposa regions, as well as by Lord's Resistance Army (LRA) rebels from Uganda. At the same time a significant number of SPLA units were engaged fighting forces of the breakaway commanders, Riek Machar, William Nyuon and Kerubino Kunayin Bol, together with forces commanded by Paulino Matip Nhial. Nonetheless, in August 1995 the SPLA began a major offensive against the government's forces and was able to push them back. The new momentum that the SPLA had gained on the battlefield was also connected with internal political and military reforms which the movement had undertaken, alongside an advantageous network of diplomatic alliances, the result in part of Khartoum's alienation of Eritrean, Ethiopian, and Ugandan sympathies because of its support for Islamist and other dissident groups in those countries.<sup>449</sup>

Its success, however, had been a close call for, had the Sudanese government's army overrun the two strategic garrison towns of Nimule and Kajo-Keji, it would have succeeded in sealing off the SPLA from vital Uganda border access-points through which it received supplies, and the SPLA fighters' dependents who established displaced persons camps on the border would have suffered severely. This would, in turn, have demoralized these fighters, who would have had to abandon fighting in order to look after their dependents, as had happened when

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<sup>449</sup> Clapham, *African Guerrilla*. pp.53-72

nearly 400,000 refugees<sup>450</sup> were forced out of Ethiopia as the government there collapsed in 1991. Displaced persons centres were not just important to the SPLM/A for access to relief food, as Douglas Johnson suggested in 1998, but also mainly because they provided social services such as education and medical care.<sup>451</sup> Above all, they were safe zones in terms of security for the relatives and family members of the SPLM/A volunteers and conscripts – the SPLA used conscription on occasion. This policy was applied in Bor, for example, and became known locally as *‘buluk e diak’* which meant ‘each sub-chief with three’ (with three recruits).<sup>452</sup>

For the Sudanese government there would also have been a subsidiary advantage in capturing control of Nimule. Such a success would have given it a stronger bargaining position at the negotiating table, as the IGAD-initiated negotiations were about to take place in Nairobi. Moreover, Khartoum would then have had a justification for the ‘waste’ of resources spent on fighting the ‘rebels’ in the south. It could proclaim to the citizens that the north had won a great victory, which would justify the monetary sacrifices they had had to make for the war. In reality, however, the failure of the government to eliminate the southern ‘rebels’ had the effect of making the Sudanese population lose faith in a military solution, the sole tool the government in Khartoum had at its disposal to resolve its crisis in the south.

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<sup>450</sup> The actual numbers reported constantly varied. It is difficult therefore to provide accurate statistics.

<sup>451</sup> Johnson, D. H. (1998). *The Sudan People’s Liberation Army and the Problem of Factionalism. African Guerrillas*. Oxford: James Currey, pp.53-72.

<sup>452</sup> The current Defense Minister Kuol Manyang Juuk introduced it as a way of mobilizing fighters for the SPLA because replacement of war victims was needed urgently, especially after voluntarily recruitment declined.



The Sudanese government's diplomatic errors compounded its problems, for its alienation, for example, of Uganda ensured Ugandan support for the SPLM/A whilst American suspicions of its intentions ensured its marginalization inside East Africa. The Ugandan government was fighting its own war with the Lords Resistance Army (LRA) rebels and feared that the elimination of the SPLA would strengthen the LRA, which was receiving support from the north in Sudan. The LRA, under Joseph Kony, had cemented relations with the Sudanese government after 1990 and it had provided the LRA with weapons and transport in retaliation for the support that the Ugandan government gave the SPLA.<sup>453</sup> So Uganda remained supportive of the SPLA in terms of facilitating replenishment of the SPLA's military resources. But more important for the SPLA's success was the USA's opposition to terrorist expansion originating from Khartoum. To effectively isolate Sudan from other states in the region the USA encouraged alliances between Uganda, Ethiopia, and Eritrea under an umbrella known as the 'African New Blood Leadership'. US funds were poured into these countries, provided that they supported the SPLA. In 1995, combined operations involving Uganda, Eritrea, Ethiopia and the SPLA were launched. This, in turn, contributed towards the SPLA's success in 1995 in slowing down the Sudanese government's offensive. As Richard Dowden of the *Independent* confirmed:

"Six weeks ago when the offensive against the SPLA began, morale among the SPLA fighters was low and ammunition in short supply. The Khartoum troops pushing southwards towards the Uganda and Kenya borders with Sudan seemed unstoppable. However, in recent days the SPLA has halted the attack and is reported to have reversed it in some

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<sup>453</sup> Behrend, H. (1998). War in Northern Uganda: The Holy Spirit Movements of Alice Lakwena, Severino Lukoya and Joseph Kony (1986-1997). African guerrillas, pp.107-18.

areas, attacking Torit and holding the line at Kit River.”<sup>454</sup>

Kuol Manyang, who was the SPLA’s acting military commander for the area, with his command post a few miles east of Nimule, claimed that in fighting on April 23-24 and again on May 4 1994 the SPLA had inflicted heavy casualties on government forces north of Nimule and halted their advance.

Many factors explain this recovery, amongst them the fact that, within the movement, political and military tactics had been subjected to significant re-evaluation and adaption over the years, particularly after the collapse of the Mengistu regime in Ethiopia. When the war had started in 1983, the SPLA had grown swiftly until it outnumbered the government forces, which was unusual for a guerrilla movement. Whether because of this sheer abundance of fighters (which it was graduating in large numbers from its Ethiopian training bases) or whether because of its lack of experience in military tactics, the SPLA started by waging mass warfare, pushing fighters forward towards the enemy lines in mass waves as it attacked small garrison towns using more than a thousand fighters a time. Some soldiers claimed that they had originally been told that the ratio of SPLA forces to the Sudanese armed forces was going to be three to one in their favour.<sup>455</sup> But in 1991, after the fall of the Derg regime in Ethiopia, the SPLA lost its training bases and, due to the split within the movement in the same year, the SPLM/A’s ability to recruit was inhibited. The SPLM/A’s reaction to these

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<sup>454</sup> Dowden, R. Israeli weapons. Sunday 23, October 2011

<sup>455</sup> A policy was made so that three (3) SPLA soldiers armed with AK47 were equivalent to one (1) Government soldier to compensate the maximum volume of fire coming from the Government soldiers considered heavily or armed more than the SPLA. This was not a good policy because the SPLA sustained heavier casualties than the government soldiers. The best would have been to apply Guerrilla tactics until the SPLA was on equal footing with the Government forces.

changes was to use different tactics based on a taskforce [three hundred fighters] instead of a battalion [one thousand fighters] to mount an attack. This change proved effective raising the question as to why the SPLA had not adopted this minimalist approach instead of wasting human resources on mass warfare initially.

Part of the explanation lies in the experiences of the officers who were in command during each of the periods before and after 1991. Initially, commanders were often either illiterate or semi-illiterate with no professional knowledge of military tactics. Furthermore, they lacked heavy armour, so that military action depended entirely on infantry, as there were no tanks. By 1991 there was a change in the nature and experience of command since the most effective use of human resources had become of paramount importance and senior commanders were educated officers, who could read about military tactics. In 1997 three commanders, Oyai Deng, Pieng Deng, and Gier Chuang attacked and overran Amadi town in Yei county with a unit only sixty- four fighters-strong. This was something that would have been unheard of in the 1980s.<sup>456</sup> These improvements in military tactics helped the SPLA to survive government offensives, whilst the logistical shortcomings of the northern forces contributed to their inability to control the country's strategic borders with Uganda and Kenya. This was noted by Commander Manyang, who also pointed out that the ability of the northern Sudanese forces to advance in this sector had depended on their use of Antonov aircraft, which located troop dispositions. Furthermore, smoke from bomb explosions were used as guides for government artillery batteries, which rained

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<sup>456</sup> Chuang, G (2013) Interviewed by Malual Ayom Dor, South Sudan, 12 June

shells on the SPLA to force their withdrawal.<sup>457</sup> Territory cannot be effectively occupied without ground forces, however, and the Aswa River was a useful obstacle to any attempt by government forces to advance into Nimule. They were unable to occupy positions near the north bank of the Aswa River because the terrain on that side is considerably lower than the bluffs along the south bank, and so the government forces would be dangerously exposed to SPLA fire.

The combined result of all these factors was that, between 1994 and 1995, the struggle between the SPLA and southern factions allied to the government, which took place mainly around Panyagor, Ayod, and Waat, tilted in favor of the SPLA. In October 1995, the SPLA recaptured Parajok and Owiny-ki-Bul, and other victories followed swiftly. In November 1995 the SPLA retook Obbo, Panyiwara, Ame, Moli, Pageri, Loa, and Kit. By early 1996 the SPLA offensive appeared unstoppable. The SPLA took Aswa on 8 January 1996 and followed with Khor Yabus and Chali in Southern Blue Nile. Pochalla was recaptured in March and a whole Sudanese battalion took to their heels in an embarrassing gesture of surrender at Yirol, southeast of Rumbek.

Dr Garang had attempted to save face amidst the chaos created by the fall of the Mengistu regime and, to deflect the government's accompanying offensive, had ordered a full-scale attack on Juba in July 1992, but the SPLA forces had been forced to withdraw, with heavy losses, back to the bush. The close relationship between Mengistu and the SPLM/A's commander-in-chief, John Garang de Mabior, was also blamed for the prolongation of the conflict, because of

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<sup>457</sup> Commander Kuol Manyang was interviewed by the former US ambassador to Sudan, David Petterson, See Peterson, D., & Herman, E. S. (2010). *The politics of genocide*. NYU Press. p.144

Mengistu's commitment to provide unlimited military facilities and supplies to the SPLA. This, in turn, had hardened opinion within the SPLA to only believe in a military solution and had persuaded it to disregard chances of peace negotiations, which could have halted the war much earlier.

The SPLM/A's goal and the Marxist language used in its manifesto did not cause the US to take any serious action indirectly or directly against the movement, although this was the ostensible reason why it became difficult to defend the SPLA in the West, where it was attacked in major newspapers for its reportedly poor human rights record. However, other changes in the international scene made it possible for the SPLM/A to be acceptable to Western eyes in the early 1990s. Following the fall of the Soviet Union and its allies, terrorism became the major global security concern in the 1990s as a result of the 1993 World Trade Center bombing and the 1998 bombings of the United States Embassies in Kenya and Tanzania. Having been placed on the US State Department state sponsors of terrorism list in 1993, it was clear that Sudan was on America's radar. The aggressive US stance towards Sudan was confirmed in 1998 with the Clinton administration choosing to bomb the Al-Shifa pharmaceutical factory in Khartoum. These changes in the conflict environment and in the reactions of leading international actors to them caused a shift in USA attitudes towards Sudan, seeing it now as a supporter of terrorism. President Clinton's administration responded aggressively to Khartoum's hosting of Osama bin Laden, for example. The SPLM/A's calls for secular democracy increasingly resonated with Washington, although the American government remained critical of the SPLM's own practices with regard to human rights issues.

With the attacks in the 1990s and the US view that Sudan was supporting terrorists Sudan's internal conflict became an issue of concern for the Bush administration. The new administration appointed Senator John Danforth, as a special envoy for peace in Sudan in September 2001. The level of importance that the Bush administration placed on resolving the Sudanese conflict is well illustrated in President Bush's remarks on the appointment of Senator Danforth when he stated:

“For nearly two decades, the government of Sudan has waged a brutal and shameful war against its own people. And this isn't right, and this must stop. The government has targeted civilians for violence and terror. It permits and encourages slavery. And the responsibility to end the war is on their shoulders. They must now seek the peace, and we want to help.”<sup>458</sup>

Throughout the 1990s and up to the signing of the CPA in 2005, the US government remained an active player in the Sudanese peace process.

### The SPLM/A and Humanitarian Organisations

From 1983, when the SPLM/A was founded, until shortly after it split in 1991, the movement fought to restructure the power structure at the center of the Sudanese state through a purely military strategy, giving little or no room to political action instead. The SPLM – the political wing of the movement – had designated itself as the political voice of the marginalized masses of the Sudan

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<sup>458</sup> Remarks by President Bush and Senator John Danforth on Danforth's Appointment as Special Envoy to the Sudan. September 6, 2001. The White House. Available online at <http://georgewbush-whitehouse.archives.gov/news/releases/2001/09/20010906-3.html>

but with a non-combatant membership that played little political role initially because the movement did not involve it in decisions that could affect its members' lives. Instead, their role of contributing to the SPLM/A through revolutionary taxes that had levied on the civil population in SPLM/A-administered areas and providing new recruits was seen as their positive contribution to the struggle. Even by the end of this first period, little thought had been given to involving them in decision-making or administration or even to protecting their essential rights.

Indeed, as a result of this neglect, a number of observers complained about human rights issues within the movement and about its relations with local communities. Even some insiders subsequently admitted that they had witnessed abuses as a consequence of a lack of interest in such issues within the movement. After the fall of the Berlin Wall in 1989 and the end of the Cold War in 1991, the US government turned its attention to terrorism and this made the SPLM preferable to the Islamists to the north. Given the advent of the diplomatic environment that was to lead to the war on terror, it was crucial for a movement like the SPLM to be on the safe side, in its relations with the world's superpower so it began the process of normalising its relations with the United States with some trepidation as it tried to reformulate its internal policies to attract American sympathy.

In reaction to these normative internal and external pressures, the SPLA adopted a new approach towards the populations that it claimed to represent, the development of democratization in the SPLA-liberated areas from 1994 onwards, as noted by Elijah Malok when he remarked that: "...the structures of the SPLM/A

witnessed the advent of the SPLM National Convention in 1994. The revised SPLM Vision, Program and Constitution, declared that:

“The SPLM shall set up and establish good governance, where the exercise of political, economic and administrative authority in the management of the country’s affairs at all levels shall be people-based, so that individuals and groups have an effective say in the allocation and management of resources and in decisions that affect their lives.”<sup>459</sup>

This dramatic move towards democratic governance stands as a example of an insurgency responding to changes in the conflict environment and the normative pressures on it to democratize, as well as signalling its acceptance of a greater reciprocity and mutual reflexivity in social relations amongst its members within the insurgency.<sup>460</sup> Indeed, the SPLM/A was to significantly transform its strategy toward the civil population as a result. It separated military administration from civil administration and established structures of participatory governance, including a legislative, an executive and a judiciary in SPLM/A controlled areas. The restructuring broadened the decision-making body by dissolving the PMHC and creating in its place the General Field Staff Command Council, which comprised all the SPLM/A’s field commanders including young officers who came with fresh ideas and were better educated than their older colleagues.

After securing its legitimacy through the Chukudum Convention, where all the movement’s traditional leaders had confirmed the SPLM/A as the valid

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<sup>459</sup> SPLM/SPLA Constitution, 1994

<sup>460</sup> Metelits, C. (2004), *Reformed Rebels? Democratization, Global Norms and the Sudan People’s Liberation Army*, Indiana University Press, Vol. 51, No. 1., pp.65-82



representative of the new Southern Sudan (which included the traditional Southern Sudan, Southern Blue Nile, Southern Kordofan, and the Abyei District), and had re-elected John Garang de Mabior as the movement's chairman and Salva Kiir as his deputy, the SPLM/A treated the liberated zones as if they were a mini-state within the larger Sudan, instituting governing councils, courts, tax bureaus, and diplomatic offices to deal with foreign NGOs and journalists. One implication of establishing a mini-state within another, wider state was the appearance of giving up the original goal of fighting to restructure the power structure at the centre. The movement acknowledged that the liberation of the whole of Sudan through military means was an unattainable goal, so that the SPLM/A now refined and limited its objectives to the attainment of self-determination for the *new* Southern Sudan, to appeal to the populations that would be affected by this initiative. We note that ideology played an important role at the inception of this process because it became the optimal way to mobilize and organise people and resources to wage the war. Since only the traditional Southern Sudan, Southern Kordofan, and Southern Blue Nile had responded positively to the original initiative – the SPLM/A's appeal for a struggle to restructure the governance system for the entire country – in terms of contributing fighters, so the SPLM finally reduced its field of activity to these regions alone.

There was, moreover, a further consideration behind this change of focus. The new, more restricted arena adopted after the Chukudum meeting was also motivated by an increased awareness among the leaders of the movement, amidst the chaos of the split, of the vital role traditional civilian leaders could play. They, after all, had been the backbone of the system that provided the SPLM/A with its

vital supplies of men and food. Yet, many policymakers and scholars have argued that this rather dramatic transformation in its relationship to the civilians it controlled was really motivated by a desire to cultivate positive relations with NGOs, in order to optimize badly needed relief aid.<sup>461</sup> But in what seems to have been in contradiction with this approach, the SPLM did not view relief assistance as a long-term solution but as a consequence of government policy, as noted in an SPLM/A booklet:

“Since the beginning of Sudan’s second civil war in 1983, large numbers of people in the war zones of Southern Sudan, Nuba Mountains and Southern Blue Nile have been forced to live on handouts from humanitarian organisations, notably the United Nations Operation Lifeline Sudan. However, relief assistance, though appreciated, easily creates dependence and stifles local initiatives in the fields of food production and self-reliance.”<sup>462</sup>

This seems to have been the origin of the reasons why so many civilians came to depend on relief assistance. In an attempt to halt SPLM/A military advances on the battlefields between 1985 and 1990, the government and its allied militias destroyed livestock and crops across Southern Sudan in a deliberate effort to deny the SPLM/A access to food from its support base, where it depended on the revolutionary taxes that local chiefs collected in the form of cattle and other food items from their subjects. The author personally experienced this move by the government in the towns of Mundri, Maridi, Ame and Ashwa. The system of tax collection was well organised so that villagers took turns in contributing what

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<sup>461</sup> Metelits, Claire. *Reformed Rebels?* pp.65-82

<sup>462</sup> SPLM Vision 2000

they called ‘awata’ (revolutionary taxes). The local communities also provided the SPLA with new volunteers, although the youth who stormed into the training camps had other primary motives for their decisions, such as the defence of their local communities against their rivals. The Al- Bashir government realized the necessity of destroying the SPLA’s source of food supply and new recruits – local communities in Southern Sudan – alongside its sources of weapons and ammunitions – the communist regime in Ethiopia. Khartoum destroyed livestock, crops, and razed villages using irregular forces and, by lending support to Ethiopian rebels, it would later contribute to the downfall of the Derg.

The destruction in Southern Sudan led to massive displacement and starvation. In 1988 alone, an estimated 250,000 Sudanese died as a result of war and famine and over a further 100,000 were estimated to be facing starvation by the end of 1989.<sup>463</sup> Attempts by the ICRC and other organisations to deliver humanitarian aid were hampered by Khartoum, which wanted no Western humanitarian workers in the conflict zone. After concerted efforts from international actors, however, an understanding was reached to allow for delivery of humanitarian aid to war zones. Operation Lifeline Sudan (OLS), which “involved more than forty NGOs organised under the umbrella of the U.N.”<sup>464</sup>, was to become one of the first major coordinated humanitarian efforts to deliver relief aid to internally displaced persons inside Sudan.

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<sup>463</sup> Cumming, L. L. & Straw, B. H. eds.(1992). Research in Organisational Behavior. New York: JAI Press. Vol. 14, pp.231-266

<sup>464</sup> Philpot, H. (2011) Operation Lifeline Sudan: Challenges During Conflict and Lessons Learned, University of Denver Papers, p.4

## Khartoum's View of the OLS

While the government of Sudan had accepted, in theory, the delivery of relief aid to war zones, it had reservations on two grounds. Firstly, the best time to deliver relief aid was also the best time for the government to launch offensives and, secondly, it was afraid to allow the NGOs to feed its enemies, for this would contradict Khartoum's strategy of using denial of access to food as a weapon against them. Nonetheless, it could not overtly resist international pressure, so the OLS went into operation.

The initial OLS plan had consisted of delivering 120,000 metric tons of food and emergency supplies to specific locations in the Southern region within a six-week period.<sup>465</sup> The timeframe was short because supplies needed to be delivered during the dry season when roads and landing strips would make certain areas inaccessible. Yet, of course, while the dry season was the best time of the year to deliver relief aid to Southern Sudan, it was equally the best season for the government's army to carry out its offensives, because it was then that heavy armour and machinery could be easily moved. For this reason, the government often denied aid flights for strategic military reasons, although its approach to the OLS exhibited a striking pattern that became useful for the SPLA's counter-offensive strategies.

As an aid worker noted, "every single time Khartoum tells us not to fly to a specific location, it is always an indication that they will attack that place or some

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<sup>465</sup> Ibid

other place in the vicinity.”<sup>466</sup> The aid workers had among them former SPLA fighters and such information allowed the SPLA to concentrate its effort on these threatened areas. The government’s strategy in dealing with the NGOs operating within the OLS context was simple; it bombed SPLA-held territory and then denied humanitarian access on the grounds of the resultant insecurity. In 1989, however, the Umma Party was overthrown by Omer Hassan el-Bashir. The first order of business for the Bashir government was to suspend all OLS flights delivering relief to Southern Sudan since there was a distinct possibility that food relief entering the south would end up in the SPLM/A’s hands.

### SPLM-OLS Relations

Initially, in the late 1980s, the relief agencies that operated in the Ethiopian refugee camps that hosted Southern Sudanese refugees had no direct link to the SPLM/A since they were operating in Ethiopia where the SPLM/A had no administrative authority. Instead the relief agencies worked directly with the Ethiopian authorities. It was not until the establishment of the OLS in 1989 that the SPLM/A began to have direct contact with humanitarian agencies, which culminated the signing of the SPLM/A-OLS Memorandum of Understanding (MOU) in 1995.<sup>467</sup> The OLS had begun as a small UN agency but it quickly grew to assume a greater role within the Sudanese operational environment. During the era of the split inside the movement’s leadership, the SPLM/A’s principal complaint about it was that it had interfered in the internal politics of the movement. From 1991 to the end of 1994, the SPLM viewed the OLS agency as

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<sup>466</sup> Jok, J. M. (2007). Sudan: Race, religion, and violence. One world Publications. Oxford. p.203

<sup>467</sup> Bradbury, M. Leader, N. Mackintosh, K. (2000) The ‘Agreement on Ground Rules in South Sudan’ Humanitarian Policy Group. p.3

its enemy, accusing it of having allowed itself to be used as a tool by Western governments and intelligence services. Perhaps the SPLM/A's concerns were connected with one of the OLS staff members, Emma McCune. She was married to Riek Machar who had split from the SPLM/A in 1991. The SPLM/A's leadership went further in blaming the split in the movement on the OLS, justifying its claims on the grounds that the American deputy chief-of-mission at the United States Embassy in Nairobi had used an OLS aircraft to fly US Senators to Nasir on August 28, 1991, to receive the news of the coup against John Garang de Mabior. In another instance the OLS refused to deliver relief in the SPLA-held areas unless Khartoum first sanctioned such an action. This amounted to refusal to provide relief services because Khartoum would often refuse to allow its enemies to be fed. In other instances, the OLS was seen to cooperate with Riek Machar's faction; for example, "when Akobo was captured by forces loyal to the SPLM, the OLS cut off supplies until it was recaptured by the forces of Riek Machar."<sup>468</sup>

There were, indeed, grounds for this distrust and suspicions existed on both sides. On the one hand, duped by the rhetoric of human rights concerns and democratic ideals preached by the leaders of the factions that had split off from the SPLM/A in 1991, the NGO community initially sympathized with their leaders. On the other, the SPLM/A installed itself as the gatekeeper over external resources by controlling regional borders and denying all other Southern political or armed groups such access. It did not like to see other groups coming into the operational environment as potential competitors for local and regional influence. This was

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<sup>468</sup> Aleng, E. *The Southern Sudan*. p.7

particularly true whilst the Derg controlled Ethiopia, for then the SPLA enjoyed exclusive support from the major power in the region willing to aid an insurgency in Sudan. This meant, at the local level, that the SPLA would then be the only option for those fighting against Khartoum. The early strategy of the SPLM/A was to further this tactic by fragmenting the South's economy, thus strangling alternatives. This involved fostering battles in key border areas to cut off trade, excluding agricultural production and controlling the regional cattle market.<sup>469</sup>

The presence of international humanitarian organisations in Southern Sudan also played into the politics of the 1991 split within the SPLM leadership for senior UN and NGO staff were present in Nasir when the coup attempt was announced. As Lieutenant General Bior Ajang narrates:

“Riek Machar and Lam Akol had been courting the humanitarian agencies by expressing a willingness to improve humanitarian access in the South and they apparently believed that if some sort of international recognition could be achieved, thereby securing them a degree of legitimacy, the effort to topple Garang would receive significant support.”<sup>470</sup>

The OLS's decision to continue to work in the SPLM-Nasir controlled areas led to suggestions that aid organisations were collaborating against Garang. However these NGOs were later disappointed when soldiers under the command of Riek Machar committed the massacre in Bor, an act that instantly negated every positive claim that the SPLA-Nasir leadership had made in their 1991 Nasir declaration. Indeed, 1991 saw high levels of atrocities whereby “Nasir forces

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<sup>469</sup> LeRiche & Arnold. South Sudan. p.116

<sup>470</sup> Ajang, B. (2016) Interviewed by Malual Ayom Dor, South Sudan, 18 March

(mostly Nuer) massacred many Dinka civilians in an effort to capture Garang's home territory of Bor."<sup>471</sup> In the end, the behaviour of the splinter group, which comprised the SPLA-Nasir, coupled with the changes instituted by the SPLM/A mainstream in 1994, left the NGOs with no choice but to seek cooperation with the latter as the sole and legitimate representative of the Southern Sudan region. Furthermore, the groups associated with the original leadership split joined the North for their own survival and this rendered them useless from the point of view of a common Southern Sudanese relief initiative.

At the same time, the SPLM/A mainstream leadership had to find some accommodation with the OLS initiative because of the problems it faced when the Derg regime in Ethiopia collapsed in 1991. The expulsion of Southern Sudanese refugees from the Ethiopian refugee camps created an alarming humanitarian crisis which would eventually force the SPLA to cooperate with the OLS, although formal cooperation only began after the Chukudum Convention in 1994. In a meeting held between the SPA General Military Council and the OLS in September 1994, the OLS faced a simple choice; to cooperate with the SPLM/A or leave Southern Sudan. The OLS chose to stay and work with the relief wing of the SPLM/A, known as the Sudan Relief and Rehabilitation Association (SRRA). The meeting culminated in the signing of an Agreement that came to be known as the 'Ground Rules.' While due to its sovereignty claim as a member of the UN, Khartoum retained significant control over when aid was delivered and where access would be granted, the 'Ground Rules' allowed the SPLA to retain significant leverage over how the aid that reached the areas under their control

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<sup>471</sup> Human Rights Watch. Civilian Devastation: Abuses by all Parties in the War in Southern Sudan. Available online at <https://www.hrw.org/reports/1993/sudan/>



was distributed.<sup>472</sup>

The atmosphere created by the ‘Ground Rules’ allowed for a greater cooperation between the SPLA and the OLS and even some degree of SPLA control over the relief efforts, as many NGOs under the OLS rubric came to be led by SPLA-educated officers working for the Sudan Relief and Rehabilitation Association (SRRA). Consequently, according to Holly Philpot, the SPLA was able, with the full knowledge and cooperation of the OLS, to divert relief supplies for military purposes (feeding its fighters and to levy taxes on relief workers who arrived via the OLS).<sup>473</sup> For his part, William Reno admits that foreign guests had to pay various fees and taxes to the SPLA for permission to enter, work, and live in SPLA-held territories, much as a sovereign government would demand.<sup>474</sup> Reno continues, arguing “Such regulations allowed the SPLA to control people in its territory and to assert its political dominance as a gatekeeper for external resources.”<sup>475</sup> When I talked to the SPLM/A staff of the Sudan Relief and Rehabilitation Association (SSRA) to check whether the argument presented by Reno and Philpot on the diversion of relief food for military use was correct the answer was obviously a denial of their arguments.<sup>476</sup> However, it cannot be disputed that the SPLM/A had diverted relief food at some point during Second Sudanese Civil War. As Peter Adwok Nyaba observes, “...with the Anyanya there

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<sup>472</sup> More on humanitarian aid and the governing regulation it used s in the SPLM/A Controlled Areas is found in Mark Bradbury, Nicholas Leader and Kate Mackintosh The ‘Agreement on Ground Rules’ in South Sudan, Humanitarian Policy Group, Report, March 2000

<sup>473</sup> Overview of humanitarian work in South Sudan is found in Philpot, Holly. Operation Lifeline Sudan; Challenges During Conflict and Lessons Learned. A Case-Specific Briefing Paper on Humanitarian Assistance in Complex Emergencies University of Denver 2011

<sup>474</sup> Reno, W. “Complex operations in weak and failing states-the Sudan rebel perspective.” Available at [http://www.ndu.edu/press/lib/images/prism1-2/8\\_underscore\\_prism\\_underscore\\_111\\_dash\\_122\\_underscore\\_Reno.pdf](http://www.ndu.edu/press/lib/images/prism1-2/8_underscore_prism_underscore_111_dash_122_underscore_Reno.pdf)

<sup>475</sup> Ibid

<sup>476</sup> Chagai, D. (2013) Interviewed by Malual Ayom Dor, South Sudan 23 April

was no relief. But with SPLA there was a systematic use of relief. The SPLA engineered displacements, for example moving people to Ethiopia...It used the humanitarian situation to feed the army.”<sup>477</sup>

While it is undeniable that the SPLM/A may have diverted relief food for its members’ use, the movement of people to take refuge in Ethiopia and other neighbouring countries was never of the SPLM/A’s making. Thus Peter Adwok’s observation was inaccurate. Other factors, such as government directed attacks by air, land or by its militia forces on the Southern villages were a major cause of the exodus. Apart from that, because there were seasons where heavy rain prevented accessibility to the areas under SPLA control; even air movements could be inhibited. Because an aircraft could be grounded in an area, which the UN might have classified as ‘dangerous’, the SPLA had to store food for such periods when access might be difficult or impossible. As a result, the numbers of persons that were usually reported in a given camp were often exaggerated so that enough relief aid would be secured for emergency use as well. In this way, there would be sufficient food for the displaced civil population, the intended recipients, as well as for the use of SPLA fighter if stranded there. This collaboration between the SPLA and relief agencies, regardless of the intentions of specific actors, was a significant shift from past practice among relief agencies, which had been based on a refusal to engage with non-sovereign authorities fighting recognized governments.

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<sup>477</sup> Barltrop, R. (2011), *Darfur and the International Community: The Challenges of Conflict Resoluion in Sudan*, UK and USA, I.B. Tauris & Co Ltd, p.84

### Internal Adjustments to Improve the SPLM/A's International Image

As Sacks notes, one of the principal factors affecting policy at a given time is policy itself.<sup>478</sup> Current policy, in short, responds to provisions of past policy. Weir and Skocpol explains: “the interest and ideals that policymakers pursue at any moment in time are shaped by policy legacies or ‘meaningful’ reactions to previous policies.”<sup>479</sup> Indeed the SPLM/A, in responding to the consequences of past policy, had to introduce internal adjustments to improve its international image. The painful crises such as the massive destruction of civilian ways of life, loss of support lines in Ethiopia, internal wrangling, and the collapse of the communist bloc forced the SPLA to change its mental model of NGOs and its relationships with them as they were the only ones to turn to in those perilous times. Following the fall of Mengistu in 1991, Dr John Garang de Mabior, visited Washington and, upon his return, cooperation between the SPLA and the NGOs improved. William Reno noted that a few NGOs operating under the OLS rubric now actively collaborated with the SPLA. An investigation of Norwegian People's Aid (NPA) showed that it: “...had for several years organised an air-bridge for the supply of weapons to battle zones within Sudan under the supervision of its Nairobi office.”<sup>480</sup> One of the NPA pilots involved in the gunrunning stated that his plane had landed at SPLM/A bases with some 2.5 tons of weapons.<sup>481</sup> Such claims are hard to substantiate but what they all point to is

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<sup>478</sup> Sacks, P. M. (1980). *State structure and the asymmetrical society: An approach to public policy in Britain*. pp.349-376

<sup>479</sup> Weir, M. and Skocpol, T. (1985). “State structures and the possibilities for ‘Keynesian’ responses to the Great Depression in Sweden, Britain, and the United States.” *Bringing the state back in* 107. Cambridge University Press pp.107-168

<sup>480</sup> Critical analysis on the humanitarian NGO/SPLA relations is presented by Hoile, David, “Perpetuating Conflict and sustaining repression: Norwegian People's Aid and the militarisation of aid in Sudan”. The European Sudanese Public Affairs Council, March 2000

<sup>481</sup> Reno, W. *The Sudan Rebel Perspective*. PRISM 1 (2). p.111

the deeper level of cooperation that developed between two sides who had not viewed each other favourably before. This modification of positions based on changes in the conflict environment came about as a result of a learning process. The NGOs learned that they needed the SPLA on their side in order to accomplish their goal of helping to reduce the suffering of the Southern Sudanese civil population, and the SPLA wanted to use the relief aid to consolidate its authority over the civil population, and so cooperation with the NGOs was necessary.

Given its absolute control of the operational environment as the sole gatekeeper to Southern Sudan, the SPLA had tried to manipulate the interests and agendas of outsiders, despite its position as a non-sovereign authority, and tried to use them to fit its own economic design. It is to be noted that Operation Lifeline Sudan and international humanitarian organisations had spent about \$2 billion on relief supplies during its years of operations in the SPLM/A controlled areas. This amount would have had significant developmental impact on the livelihood of civil society if it had been utilized in the development of the economy.

Now, however, the SPLM/A had to move towards a more collaborative agenda in which it saw the NGOs in OLS as partners rather than as clients. Yet it also had to do this in a manner, which did not negate its previous policies. It did this by recognising the utility of a civilian administration as an autonomous part of its overall control of the new South Sudan and engaging it in the decision-making process alongside the military administration of the on-going war. It also accepted the role of NGOs as valid participants in the process of countering the marginalization and victimization of the civilian population living inside the

regions under its control hence Garang's willingness to sign the SPLM/A-OLS MOU in 1993.

### Regional Developments

These developments, of course, took place in a regional context where pressures for a resolution of the conflict in Southern Sudan were beginning to accumulate and had culminated in the initiative mounted by the Intergovernmental Authority on Development (IGAD) in 1994. With conflict prevention, management and resolution as a major part of its agenda, IGAD had been formed in 1986 by the governments of Sudan, Eritrea, Djibouti, Somalia, Ethiopia, Kenya, and Uganda. At the instigation of the Kenyan president, Daniel arap Moi, IGAD facilitated negotiations between the Sudanese government and the SPLM/A in 1994. Although these floundered over Khartoum's refusal to accept the Declaration of Principles (DoP), they encouraged IGAD to adopt a revised strategy; including extending its mandate to include broader matters of political and economic cooperation, and by 1997 the Sudanese government had accepted the DoP.

From their experience during the first civil war (1955-1972), the SPLM/A leaders had realised that diplomatic strategies were as essential as military strategies in achieving success, and that the successes of such strategies depended on exploiting changes in the external environment. In order to garner regional and global political and financial support for the insurgency, the SPLM/A set out to make its version of its case heard through its Radio SPLM/A in Ethiopia, as well as through Colonel John Garang de Mabior's letters which were hand-delivered by SPLM/A's leaders to regional and international leaders. In a letter dated 14

October 1994 Colonel Garang urged President Mobuto Sese Seko to support the SPLM/A's peace position: self-determination for Southern Sudan, South Kordofan, and South Blue Nile, and separation between state and religion. In a letter to Paul Biya, President of the Republic of Cameroon dated 30 May 1996, Colonel Garang admonished: "May I state again that the war in Sudan is an African War and therefore, I appeal to you so that you use your influence and support the IGAD peace initiative."<sup>482</sup> Colonel Garang maintained that to have the same message for everyone would be a recipe for failure and, guided by this principle, he tailored his message to address his audience's concerns. When addressing Arabs and socialists, he would maintain that the war was about correcting injustices left behind by Western colonialism; when addressing Africans on the other hand, he would state that the war was against Arab hegemony; and when engaging the west, he would claim that the war was a war for the human rights of all the marginalized masses of Sudan threatened, as they were, by Islamic extremists.

When Khartoum resisted attempts by the IGAD countries to negotiate an end to the North-South conflict between 1994 and 1996, the SPLM/A increased its military offensives on the battlefield. Colonel Garang switched gear in his letter writing; instead of asking for political support from regional actors, he now requested military support. In a letter addressed to President Laurent Kabila dated June 25 1997, he wrote:

"Our military situation is very good following the recent offensive and victories in Equatoria and Bahr el-Ghazal. The situation is now ripe for the

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<sup>482</sup> John Garang's letter to Paul Biya, President of the Republic of Cameroon dated 30 May 1996 available at South Sudan Embassy, Nairobi Kenya

SPLA to capture Juba and subsequently advance to Khartoum with our allies in the National Democratic Alliance (NDA). We are therefore in urgent need of military and other assistance for Juba.”<sup>483</sup>

Indeed, the SPLM/A’s military gains as well as regional and international pressure drove the Khartoum government back to the negotiating table. As Boshoff notes, “the military setbacks and and intense international pressure forced the government back to the negotiating table in Nairobi in 1999.”<sup>484</sup>

### Operational Environment and Controlling Borders

In the early 1960s various Southern political leaders had dealt with neighbouring countries independently without a centralized institutional structure, until the Anya- Nya leader, Joseph Lagu, finally succeeded in controlling the operational environment with the help of the Israelis. Having subsequently learned the importance of achieving such control from Lagu, whose successes in the late sixties were due mainly to his firm control of the flow of weapons into rebel-held bases, the SPLM/A sought to control resource flows along South Sudan’s borders (with Ethiopia, Kenya, Uganda, the DRC, and the CAR). The implication of this strategy was such that, whenever the SPLA failed to overrun a government garrison town, the SPLM/A’s control over the operational environment allowed it to cut off supplies to such a town and besiege it, causing the enemy to starve, as happened in Torit and Bor in the late 1980s.

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<sup>483</sup> John Garang’s letter addressed to President Laurent Kabila dated 25 June 1997 available and accessed at South Sudan Embassy in Nairobi on the 5th of February 2016

<sup>484</sup> Boshoff, H. J. (2005) Sudan’s old and new conflicts: A comparative study, MA dissertation. University of Stellenbosch

Control over the operational environment also served as a means of coercion against members who chose to play a 'renegade game' (as Riek Machar and Lam Akol had done in 1991 by splitting with the mainstream SPLM/A). By controlling the operational environment, the SPLM/A held control of the only significant flow of consistent and reliable external resources entering the region, and the flow of information into and out of the region could also be firmly controlled. Those who chose to renege on their implicit contract of support for the SPLM/A had few other options available to them, for they would be forced to turn to Khartoum as the only source of military and financial support or perish. Yet, while receiving military and financial support from Khartoum was the only alternative available to any splinter group from the SPLM/A, it evoked a strong and adverse societal sanction in the South because such a support was contingent upon how much damage such a group could inflict upon their former comrades (fellow South Sudanese). On the other hand, halting the internal conflict would cause difficulties for the renegades with Khartoum, which could then stop military logistical support or turn on the renegades, some of whom would have already relocated to Khartoum.

Indeed, the SPLM/A's control of access to regional borders rendered Riek Machar's SSIM impotent, and this, together with strong criticisms from Southern citizens of its alliance with Khartoum, forced it into obscurity. The SPLM/A's number two, Kerubino Kuanyin Bol, also became estranged from Colonel Garang who decided to send a force to arrest him. This could have had a bloody outcome but the Ethiopian Government intervened, tricking Kerubino into going to Addis Ababa on the promise that Ethiopia would help prepare him to takeover the



leadership of the SPLM/A from Garang. As Christopher Clapham notes, “Kerubino Kuanyin Bol, Garang’s chief of staff, attempted to overthrow Garang, he did so by appealing to Mengistu to remove Garang from power. Mengistu responded by arresting Kerubino and handing him over to Garang.”<sup>485</sup>

In order to control the operational environment the movement aligned its objectives with those of regional actors. The external environment at the time did not favor the idea of breaking up a country, which would have implied that the boundaries set by colonial governments ought to have been redrawn, a move that the then Organisation for African Unity (OAU) would have vehemently opposed because such a precedent would have undermined the greater unity of the continent that the organisation was struggling to achieve. The forward-looking SPLM/A’s manifesto acknowledges such a challenge: “Africa,” it said, “has been fragmented sufficiently enough by colonialism and neo-colonialism and its further fragmentation can only be in the interests of its enemies.”<sup>486</sup>

Moreover, the Ethiopian Government (the primary ally of the movement) was waging a war against Eritrean separatists and it could not support another separatist movement without contradicting itself. The shifting of war objectives by the SPLM/A from a regional protest to an ideological challenge made the conflict more complex for the central government in Khartoum to deal with. In the words of South Sudanese writer, Francis M. Deng, the SPLM/A, with its new ideology: “...has disarmed the central government of its only powerful accusation

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<sup>485</sup> Clapham, C.S. (ed.) 1998. *African Guerrillas*. James Currey Publishers. p.60

<sup>486</sup> SPLA Radio, March 3rd 1984

against Southerners, that they are separatists.”<sup>487</sup> In the eyes of outsiders, the SPLM/A had transformed a people who were once considered “rebels” and “separatists” into a people seeking unity and fighting to restructure their country. This surprised many Northern leaders who had never expected that a Southern Sudanese-led movement would ever champion the cause of all the marginalized masses throughout the country.<sup>488</sup>

The SPLM/A’s ideology of the New Sudan in which the Sudanese people would purportedly enjoy absolute freedom forced the central government to seek refuge in religious rhetoric in an attempt to secure national support on the basis of Islamic solidarity. The north-south conflict crystallized into a visionary confrontation pitting the New Sudan Vision against the vision of an Islamic-Arab Sudan. In response to the SPLM/A’s calls for a secular New Sudan, the government enacted the September Laws, which instituted Sharia Law. Professor Elias Nyamlell Wakoson, writing in 1987, correctly stated that the lessons learned from the experiment with autonomy as guaranteed by the AAA had clearly demonstrated that political devolution without the power to make economic decisions and planning at the regional level, in conjunction with the overall national goals, was not adequate.<sup>489</sup> There was nothing wrong with regionalism per se since the SPLM kept and used the regional administrative system of management in the areas it liberated from the government. The problem with the regionalism concept derived from the limited decision-making power it offered to Southern political leaders as demonstrated by the post-AAA period. The

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<sup>487</sup> Deng, F M (1987). *The Search for Peace and Unity in the Sudan*. Asmara: Red Sea Press, p.103

<sup>488</sup> Deng, F. M. (1997). *Ethnicity: An African Predicament*. The Brookings Review. pp.28-31

<sup>489</sup> Deng & Gifford (1987). *The Search for Peace*. p.103

limitations of ‘self-government’ led the SPLM/A to demand ‘self-determination’ for southern Sudan as an alternative to achieving a unified New Sudan. Self-determination would ultimately lead to northern- southern border disputes, particularly with regards to Southern Kordofan, Southern Blue Nile and the Abyei region, which led to a separate protocol being adopted in the CPA for them. Historically, the government of Sudan had always sought to frame conflict in Sudan as a ‘southern problem’ instead of addressing the conflict in an all-encompassing manner. For instance during the first civil war between 1955 and 1972, the conflict was seen as the rebellious areas – the Bahr el-Ghazal, Equatoria, and Upper Nile – versus the north of the country. Consequently when negotiations were conducted in 1972 the AAA granted self-government (regional autonomy) to these areas alone, excluding all other related regions. Thus, the post-AAA governments in Khartoum continued to purchase the rights of the elites at the center of the state at the expense of those on the peripheries (especially those from Southern Blue Nile, Southern Kordofan, Abyei District and Darfur) who had not formed part of the original rebellion, although they were geographically and by temperament intrinsically part of it.

Having seen the compromises promised to Southern Sudan through the AAA of 1972, those on the peripheries learned that it paid to rebel, so they waited for an opportunity to pick up their guns. This opportunity presented itself when the war resumed in 1983. These groups rebelled against the rulers and joined their kin in South Sudan in the armed struggle against Arab hegemony. As the AAA of 1972 had granted self- government to the fighting portion of Sudan, the CPA was expected to grant self- determination to the ‘new fighting Sudanese region.’ When

the CPA failed to do this, the conflict flared up in the Nuba Mountains and Southern Blue Nile provinces of Sudan after the South had opted out of the union. Colonel Garang's words could not be more prophetic:

“Negotiations in the context of the so-called ‘Southern Problem’ are against the national interest and a recipe for disaster. Suppose we solve the problem of the South, we will soon have to solve the problem of the Nuba Mountains because the Nuba can also take up arms; after that the problem of the Beja, and so forth. It is a national problem, not a Southern problem that we must address.”<sup>490</sup>

A former minister of foreign affairs in Sudan and a prominent northern scholar, Dr Mansour Khalid, who joined the SPLM/A, once aptly noted that the failure of post- independence governments in Sudan to manage crises involving political and economic structure is a problem of lack of leadership endowed with a sense of history, intellectual integrity, and a spirit of toleration.<sup>491</sup>

## Chapter Conclusion

This chapter has discussed the way in which the SPLM/A learned to deal with the regional and international environment in light of changing realities. The SPLM/A was keen to develop strong regional and international partnerships, having witnessed the shortcomings of Anyanya's diplomacy. Ethiopia initially served as the SPLM/A's key ally between from 1983 until the fall of Mengistu in 1991. The decline of socialism also meant that the SPLM/A would have to adjust

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<sup>490</sup> John Garang's address to the nation on 27th May 1985. Accessed from Dr John's home collection on 12 July 2013

<sup>491</sup> Khalid, M. (2003). War and Peace in Sudan: A Tale of Two Countries. Kegan Paul, London, p.21

its internal policies to attract Western nations instead. The 1994 Chukudum Convention served as the forum whereby the SPLM/A could adopt policies that appealed to Western sentiments.

The 1993 terrorist attack on the World Trade Center, as well as the 1998 bombings of the United States Embassies in Kenya and Tanzania led to the global fight against terrorism taking centre stage. The Government of Sudan automatically became a target of US international policy as a result of its inclusion on the State Department's 1993 list of state sponsors of terrorism and its policy of harbouring known terrorists such as Carlos the Jackal and Osama Bin Laden. The SPLM/A recognised an opportunity to develop ties with US, which it exploited at the expense of the Government of Sudan. Ultimately, it was the involvement of the US, in partnership with the IGAD sub-regional body, which brought an end to the Second Sudanese Civil War.

The painful realities of the Second Civil War such as the massive displacement of civilians led to the SPLM/A having to improve its relations with international humanitarian organisations in order to administer support in its areas of control. The SPLM/A's strengthened partnership with humanitarian agencies was well demonstrated in the movement's agreement on operational ground rules with the OLS in 1995.

The post-Mengistu era led to the SPLM/A to seek new regional and international alliances. This period coincided with the tougher US stance on Sudan's links to terrorists. Aware that the SPLM/A needed to improve its image, Dr Garang

sought to reorganise the movement to better align with democratic ideals. As a result, the SPLM/A significantly transformed its strategy towards civil administration. It separated military administration from its civil administration and established structures of governance, including a legislative, and executive, and a judiciary. The re-structuring broadened the decision-making body by dissolving the Politico-Military High Command (PMHC) and creating in its place the General Field Staff Command Council, which comprised of all the SPLA commanders including young commanders who came with fresh ideas and better educated than their older colleagues. The new body proceeded to form various ad hoc specialized committees and instructed them to draw up recommendations for the restructuring of the movement. Ultimately, the restructuring of the movement encouraged humanitarian workers to begin operating in SPLM/A controlled areas.

Nevertheless, attempts by the ICRC and other organisations to deliver humanitarian aid were hampered by Khartoum, which did not want western humanitarian workers in the conflict zone, viewing their assistance as a source of food supply for the SPLM/A. After concerted efforts from international actors some understanding was to allow for delivery of humanitarian aid to war zones. The Operation Lifeline Sudan [OLS] marked one of the first major coordinated humanitarian efforts to deliver relief aid to internally displaced persons inside Sudan. The OLS involved more than forty NGOs organised under the banner of the United Nations.

The atmosphere created by the 'Ground Rules' allowed for a greater cooperation between the SPLA and the OLS and even to some degree the SPLA

could manipulate the relief efforts as many NGOs under the rubric of the OLS came to be led by SPLA educated officers working for the SRRA. Consequently, with full knowledge and cooperation of OLS, the SPLA was able to divert relief supplies for military purposes (feeding of the fighters) and to levy taxes from relief workers who arrived via OLS. The foreign guests had to pay various fees and taxes to the SPLA, including for permission to enter, work, and live in the SPLA-held territory, much as a sovereign government would demand. Such regulations allowed the SPLA to control people in its territory and assert its political dominance as a gatekeeper to external resources.

## Chapter 7: The Comprehensive Peace Agreement

On 20 July 2002, after a month of consultations under the auspices of the Intergovernmental Authority on Development (IGAD), the SPLM/A and the Government of Sudan (GoS) signed the Machakos Protocol. The protocol had been supported by the US, UK and Norway, and later by Italy - all of whom were to become to be known as the 'Troika Plus' – and also by the IGAD Partners' Forum (IPF) initiative.<sup>492</sup> War fatigue in Sudan and the post-September 11, 2001 geopolitical environment had created an auspicious atmosphere for talks and there had been significant pressure from the Bush Administration such that a negotiated political settlement had become more relevant than it would have been before. The strong commitment of the Kenyan government towards negotiations was pivotal for ensuring that the talks should continue, not least because of President Moi's decision to appoint General Lazaro Sumbeiywo as a mediator. The Machakos Protocol defined the framework for future negotiations over a peace agreement for a New Sudan. At Machakos the parties to the talks reaffirmed the principle of self-determination for the Southern Sudanese but abandoned the principle of secularism, which had been recognized in the IGAD Declaration of Principles in 1994 and promoted by the SPLM/A during the armed struggle up to a few months before the talks began. The Machakos Protocol is considered to have been the cornerstone of the CPA. It is therefore important to examine the implications of this very carefully by first asking why was there a deal at the

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<sup>492</sup> IGAD was revived in 1996 by the greater Horn of Africa countries – Kenya, Somalia, Djibouti, Ethiopia Sudan and Uganda. In January 1997 IGAD established a formal relationship with the 'Friends of IGAD', a group of partners working closely with the Secretariat for development purposes. When the IPF was created, Italy was appointed as the first co-chairman, a position that it maintained throughout the CPA negotiations).



Kenyan town of Machakos in the first place.

### What Factors Made the CPA Possible?

Despite the agreement at Machakos, negotiations, especially in the early stages, were to prove arduous and often unfruitful. By 2003 there were several negotiation attempts including the 23<sup>rd</sup> January meeting in Karen (Kenya), where members of the National Democratic Alliance (NDA) sat in as observers. This was followed by a meeting held in Nairobi for the specialised committee tasked to follow up the Memorandum of Understanding between the SPLM/A and the government on the cessation of hostilities. The Karen meeting called for discussion of power sharing, wealth distribution, and of the issues connected to the contested three areas of Abyei, Southern Kordofan (Nuba Mountains) and Southern Blue Nile (the Angessina Hills). All ended with no progress because the government delegation declined to negotiate formally.<sup>493</sup> Amongst the contentious issues on the table was a confederal structure for Sudan with a separate secular constitution for the South and an interim period of two years before a final arrangement. Other important issues included a rotating presidency, the first vice-presidency being reserved for the South, the status of the national capital in Khartoum, a referendum for Abyei, and the establishment of two armies (the SPLA and the Sudanese Armed Forces). Eventually, however, these matters were resolved through compromise and the key to understanding how this was possible, given the early difficulties, is to understand the ways in which the delegations concerned actually approached the negotiating process.

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<sup>493</sup> Johnson, H. F. (2011). *Waging Peace*. pp.2-11

## The Rationalist Approach

Conflict resolution theory has long held the rationalist viewpoint that the ‘ripest’ moment for negotiation would involve a ‘mutually hurting stalemate’, defined as mutually blocking vetoes over outcomes from which escalation of the conflict provided no prospect of escape and the parties were thus open to the consideration of other options.<sup>494</sup> Defining such a situation can be difficult because no two cases are ever the same. It would be unreasonable, for instance, to expect that the experiences of one country in a specific dispute could be directly applied to another dispute, given the circumstantial, historical and national differences between such cases, and there were certainly no parallels to the experiences of the combatants in Sudan. Furthermore, it was also the case that the two sides in the Sudanese conflict initially defended their interests so vigorously during the peace talks that began in the late 1980s that several commentators doubted if they could ever agree on a compromise. John Young for instance, pointed out that negotiators on both sides were playing a complicated game of positioning themselves, each expecting the worst of the other.<sup>495</sup> However, in 2002, to the surprise of many in Machakos, the disputants began to accept solutions proposed by IGAD.

This apparently rational acceptance of solutions proposed by agents not directly party to the dispute could also be explained in terms of coercion and sanctions (exerted on the bargaining agents by regional and international organisations).<sup>496</sup>

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<sup>494</sup> Arnsper, C. J. (1999). *Comparative Peace Processes in Latin America*, Stanford University Press, pp.447-465

<sup>495</sup> Young, J. (2012), *The Fate of Sudan: The Origins and Consequences of a Flawed Peace Processes*, London, Zed Books. p.32

<sup>496</sup> See Checkel. *Why Comply?* pp.553-588, and Johnson, *Waging Peace*. pp.2-11

Brosché also adds that the experience of the CPA process suggested that involving both regional actors and the broader international community seems to have been a fruitful approach, which facilitated the ultimate agreement.<sup>497</sup> Pressure from the United States resulted in the United Nations Security Council holding a meeting to discuss Sudan's Second Civil War. The UN Security Council in its 5,080<sup>th</sup> Meeting, held in Nairobi between 18-19 of November 2004, listened to reports on the situation in Sudan. This was only the eleventh time that the Council had met away from its headquarters in New York, and the first time that it had met in Nairobi. Indeed, the role of international actors appears to have been crucial, as Einas Ahmed has affirmed by arguing that regional and international actors pressured Sudan's adversaries into joining the dialogue for a peace agreement by helping to resolve what had become a mutually hurting stalemate through their intervention.<sup>498</sup> In light of this experience, it appears that, in such circumstances, peace agreements will depend on the nature of the third party involved and level of respect for it felt by the protagonists; in other words on how powerful the third party can be in the negotiating process, as exemplified in the CPA by the role of the United States.

Other factors have been suggested by observers of the CPA negotiations; one being the skill of the mediators involved. The chief mediator of the CPA, General Lazarus Sumbeiywo of Kenya, states in his book that the outcome was a result of skilful mediation.<sup>499</sup> Others, such as Marina Ottaway have noted that, "The signing of the agreement was due to skilful international mediation and

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<sup>497</sup> Brosche, J., (2009), *Sharing Power-Enabling Peace? Evaluating Sudan's Comprehensive Peace Agreement 2005*, Sweden, Upsala University Press, p.15

<sup>498</sup> Ahmed. *The Comprehensive Peace Agreement*. pp.133-147

<sup>499</sup> Sumbeiywo, L. (2013) Interviewed by Malual Ayom Dor, South Sudan 17 April

diplomacy, rather than to a sincere change in the position of the two sides.”<sup>500</sup>

However, she goes on to argue that:

“While indeed skill is an important element in mediation it is not a decisive factor in achieving agreement(s). What leads to reaching a deal are benefit or gain associated with it. The other deciding factor is immense pressure both internally or externally. In the case of Sudan military power balance and the role of US and Troika countries are two factors in the CPA. For the south, the six-year interval mandated by the agreement before the holding of the referendum was simply a waiting period before the goal of independence could be achieved. And the northern government gave no indication that it was willing to try democracy and power sharing as a solution. It remained authoritarian in the north, dealing harshly with the opposition, and more determined than ever to crush resistance in Darfur with force.”<sup>501</sup>

In other words, she recognized the decisive role of coercion and pressure in the search for a peaceful solution to the Sudanese conflict.

A further factor often cited by commentators involves the personalities of the negotiators. Thus Einas Ahmed points out that, “Apart from international pressure, the CPA would probably not have been concluded successfully if it had not been for the personal ambitions of the main two negotiators, the late Garang

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<sup>500</sup> Ottaway & Hamzaway. Available at <http://carnegieendowment.org/2011/04/comprehensive-peace-agreement/2frz>, accessed on April 9, 2014

<sup>501</sup> Ibid

and the current Vice President Taha.”<sup>502</sup> Mike Jobbins agrees that: “Though a success for the international community, the CPA was nonetheless a Sudanese agreement, and appeared to be a major step forward by the leadership both of the rebel Sudanese People’s Liberation Movement (SPLM) and the National Congress Party (NCP)-led government.”<sup>503</sup> However, as this chapter will show, despite the role of leadership in bringing about the conclusion of the peace agreements, multiple factors, as suggested above, really account for the success of agreements.

An additional factor was that, although the negotiation process was subject to various setbacks, resulting in the intensification of war in the years between 1998 and 2002, the prospects for decisive military or political victory by one side over the other diminished over time, something which came to be better understood by both the NCP government in the north of the country, as well as by SPLM/A in the south. This, in itself, facilitated an atmosphere of commitment to the peace deal. Achim Wennman argues, however, that it was really a strategy to gain at the negotiating table what could no longer be won on the battlefield.<sup>504</sup> In other words, the move from violence to the negotiating table represented a deliberate strategic option chosen by the two parties, both of whom were to make concessions designed to enable them to maintain political power in their respective sub-national domains by sharing power between them at the national

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<sup>502</sup> Ahmed. *The Comprehensive Peace Agreement*. pp.133-147

<sup>503</sup> Jobbins. M. *The CPA: Implementing Sudan’s Comprehensive Peace Agreement: Prospect and Challenges*. Woodrow Wilson International Centre for scholars (2008) available at [http://wilsoncenter.org/topics/pubs/Africa\\_SudanCPA\\_rpt\\_booklet.pdf](http://wilsoncenter.org/topics/pubs/Africa_SudanCPA_rpt_booklet.pdf). Accessed: January 10, 2010, p.5

<sup>504</sup> Wennmann, A. (2009), *Wealth Sharing Beyond 2011: Economics Issues in Sudan ‘s North South Peace Process*, CCDP Working Papers, The Graduate Institute, Geneva, The Centre on Conflict, Development and Peace Building, p.18

level. Indeed, although the CPA catered for the continued political dominance of the NCP in the North, it also provided for a significant opening of political space at the national level, and the sharing of state power and wealth previously controlled by the NCP with the SPLM/A. The hegemonic military and political positions that the CPA granted to the SPLM/A in the South, however, amounted to sowing seeds for future wars, for the agreement glossed over many inter-southern sources of conflict because both the NCP and the SPLM/A were predominantly concerned with optimal gains for themselves in their own individual spheres of hegemonic dominance. As Edward Thomas points out:

“During the 2010 general elections, the NCP and SPLM agreed not to contest the elections in each other’s sphere of influence. Consequently, the NCP withdrew its candidates in the south, and the SPLM withdrew its presidential candidate, and withdrew from contests for northern parliamentary seats, governorships, and the national presidency.”<sup>505</sup>

A similar interpretation applies to the issues of oil revenues and the outbreak of war in the Western Sudan (Darfur) and Eastern Sudan (Beja) as well. The availability of oil to the NCP (the wells at Unity Field were by then producing at a rate of 160,000 bpd) made it easier for it to obtain sophisticated weaponry, which the SPLM/A could not match.<sup>506</sup> In an SPLM/A meeting at the level of the National Convention in Rumbek in 2004, a top SPLA commander, Salva Kiir, disclosed that, given the paucity of resources, he effectively no longer had an

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<sup>505</sup> Thomas, E. Sudan’s 2010 Elections-Victories, Boycotts and the Future of a Peace Deal, *Review of African Political Economy*, Vol. 37, No. 125, September 2010, pp.373-379

<sup>506</sup> Lino, M. (2014) Interviewed by Malual Ayom Dor, South Sudan, 9 April

army under his command.<sup>507</sup> Such logistical weaknesses were going to hurt the SPLM/A if it insisted on continuing to fight. At the same time, despite its access to oil revenues, the NCP could not afford to simultaneously maintain wars in the East, West, and South of Sudan. This meant that it was in the NCP's best interests to end the war in the South so that it could focus on threats closer to home – in short to Khartoum, the seat of government. The issue was, however, how would both sides individually react to these realities; would they have been prepared to draw the obvious conclusions from them and be prepared to compromise or would either of them have sought to pursue their original objectives of outright victory? Given the SPLM/A's weakness, this concern was of particular relevance. That question, in turn therefore, provokes a further query with respect to the SPLM/A. Would the SPLM/A have appreciated the implications of such circumstances – its own weakness combined with the limits to the NCP government's own resources – unless some form of learning had taken place in the conflict environment over the years? Francis Deng, for example, concludes that the SPLM/A did have a learning culture:

“In the first years of its struggle, the SPLM/A set out an analysis of Sudan's problems as a conflict between the center and periphery that drew on the neo- Marxist dependency theories of the day. After the cold war, however, the SPLM relinquished Marxism and turned instead to African tradition, emphasizing the cultural rather than the economic difference between the center of Sudan and the south.”<sup>508</sup>

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<sup>507</sup> There were many interpretations of this statement and it was never clear why Salva Kiir, then Chief of the General Staff of the SPLA, denied having any armed forces under his command.

<sup>508</sup> Deng, F M. et al. (2010). Sudan After Separation: New Approaches to a New Region. Heinrich Boll. Vol. 28. p.11

Paula Roque voiced similar sentiments: “The SPLM has shown that it can be pragmatic and is able to adapt its institutional framework and rhetoric when confronted with moments of internal crisis, as was the case after the 1991 split and the 2004 leadership crisis in Rumbek.”<sup>509</sup> She concluded that the strategy adopted had therefore usually been one of political accommodation. However, this had led to an amalgamation of different political forces and interest groups into an over-inflated structure, something that could have threatened the future cohesion and ideology of the SPLM.<sup>510</sup>

However, none of the explanations in the existing literature gives a complete answer to the way in which the CPA came about. In discussing this literature gap, Matthew LeRiche noted that Oystein and others identify the willingness to compromise shown by the parties to the negotiating process as a continuing realm of interpretative confusion. LeRiche adds that it is still not clear what changed to make concessions over self-determination feasible for NCP and rendering *shar'ia* law tolerable to the SPLM/A.<sup>511</sup> Indeed the initial position of the SPLM/A could not have been captured better than the comment made in a public letter from John Garang de Mabior in 1998: “We in the SPLA are not interested in half solutions, for history taught us: either a just and final peace or no peace at all.”<sup>512</sup> Yet, as will be shown, the SPLA was not only learning from past history as Garang suggested, but was also learning through interacting with its opponent at the negotiating table. Otherwise, there is no other way, in terms of a rationalist

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<sup>509</sup> Roque, P. C. “The SPLM: Political Transformation or Strategic Adaptation” Deng et al. Sudan After Separation. p.69

<sup>510</sup> Op cit.

<sup>511</sup> Le Riche and Arnold, South Sudan. p.13

<sup>512</sup> Public Letter of Dr John Garang (October 16<sup>th</sup>, 1998)



approach, of explaining why the SPLA finally accepted the half-solutions that Garang had rejected, such as allowing *shar'ia* to remain in force.

### The Constructivist Approach

The broader constructivist literature suggests that different compliance dynamics are a result of social learning.<sup>513</sup> Here, learning and social interaction, rather than political pressure and individual choice, lead to agent compliance with normative prescriptions.<sup>514</sup> As described in an Chapter 2, the processes involved are based on notions of complex or double-loop learning drawn from cognitive and social psychology.<sup>515</sup> Learning leads the parties to embark on an iterative process of calculating future potentialities based on current benefits, for the parties will agree to settle only when, according to their calculations, a peace settlement would offer a potentially better alternative than the continuation of conflict. Both the SPLM/A's negotiators and the Sudanese government had to learn how to construct a viable agreement to end the war, not just in terms of rational decision-making, but also in the context of the socio-political environment in which they operated.

To appreciate what this has meant, attention needs to be paid to the actual evolution of the conflict and to the way that those involved in its resolution learned from experience how that could be achieved. The beginning of new negotiations in early 2002, which were eventually to lead to the CPA, were marked by a phase in the negotiating process when both parties, because of firm

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<sup>513</sup> Checkel, Why Comply? 55(03), pp.553-588

<sup>514</sup> Eising, R. (2002). Policy learning. 56(01), pp.85-120.

<sup>515</sup> Ibid

international and regional pressure, had to adopt a pragmatic attitude towards each other and had to accept concessions. In this respect, the experiences of the SPLM/A during the CPA negotiation process were quite different to those of the Anyanya during the AAA process in which Southerners had to concede to the intransigence of Northern negotiators. Essentially, the AAA experience was one of profound power asymmetries.

This study has sought to establish that the SPLM/A's delegates to the peace talks had learned that what mattered was not simply the process of reaching an agreement but how it was reached in terms of the identities and interests of the parties involved in the negotiating process, the sequencing of issues at the negotiating table and the successful negotiation of implementation modalities. In other words, for the SPLM/A, at least, negotiating techniques as applied in the construction of the CPA were the consequence of a learning process that had been defined by past failure as well as by learning at the negotiating table from the enemy and third party participants.

The SPLM/A's reversal of the Anyanya's liberation goal of seceding from Sudan into fighting to structure the governance of a united Sudan between 1983 and 1994; its ultimate openness to pursuing the goal of fighting for the right to self-determination for the Southern region after it faced a split within its ranks in 1991 over the issues of leadership and of liberation as an objective; its transformation from being a predominantly military movement into one committed to governance as well; and its ultimate realisation that compromise at the negotiating table would have to replace confrontation on the battlefield were important

learning processes. These transformations were associated with and were the product of the flawed way in which the AAA had been achieved and applied. They, in turn, influenced the way in which the SPLM/A was to re-interpret its conflictual relations with Khartoum throughout the second civil war. Nor was this a simple matter of individualistic rational choice on the part of the leadership when confronted with a coercive environment. It was, instead, the consequence of a learning process throughout the movement in which a normative principle eventually determined acceptable outcomes, in that negotiated compromise was to be preferred over violent confrontation.

The learning process related to three different dimensions of the SPLM/A's actions. Firstly, it had to develop tools through which to engage the Government of Sudan. Then it had to persuade its internal constituency of the viability of its approach. Finally, it had to co-opt support from the international community in the process of achieving a viable and permanent solution to the conflict in which it was engaged. All of these processes were not merely the result of the rational choices that the movement made. More importantly, they reflected the way in which the SPLM/A's own approach was grounded in its ability to learn through a process of interaction with its social and political environment<sup>516</sup> and of the internalization of the normative principles that informed it.

There was an additional factor, too, which conditioned the social environment in which the parties to the conflict eventually accepted that negotiation would serve their interests better than continued conflict. Natural climate cycles seem to have

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<sup>516</sup> Discussion of this has been expanded in Chapters 4, 5 and 6. They discussed the SPLM/A in relation to internal constituency and organisation, the SPLM/A strategies and tactics versus the North, and the SPLM/A in relations to external actors respectively.

had a striking influence on the conflict between North and South in Sudan and on the eventual peace initiatives. One of the primary determining factors in the parties' change of attitude towards conflict was weather-induced stalemate. The military balance tended to tilt in favour of the government forces during the dry season (December through April) because the government was able to move its mechanized forces with relative ease. However, the rainy season, during which all the roads in Southern Region turned into rivers, was favourable for the SPLM/A because government forces would then be confined to fortified towns, which they were determined to hold. The outcomes were not as promising as this brief analysis might suggest, however, as many of the major towns (Torit, Bor, Kurmuk, for example) changed hands at least three times. Thus both sides realized that they had, as a result of the climate, reached a parity of the kind that John Howell emphasized in the following comment:

“In guerrilla war, parity is reached not necessarily by equality of armed strength, but at a point where the superior conventional force of the counter- insurgent is unable either to eradicate the insurgent, or prevent his continued recruitment of men and continued access to weaponry; and the insurgent is unable to wrest control in areas which the counter-insurgent is determined to hold and is unable to destroy the political will of the counter-insurgent to defend...”<sup>517</sup>

After two decades of playing this game, both sides lost faith in their chances of winning outright militarily and began to see an opportunity for cutting losses and achieving satisfaction through accommodation. Such a loss of faith forced both to

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<sup>517</sup> Howell, J. (1978). Horn of Africa: Lessons from the Sudan conflict. International Affairs (Royal Institute of International Affairs 1944-), pp.421-436.

also give more weight to the need to redress the grievances of their followers, who grew increasingly weary of war, than their initial commitment to the cause would have originally implied, making negotiations possible. As pointed out in Chapter 1, William Zartman sums this up nicely: “in a situation of continuing uncertainties, parties negotiate when they change their estimates of future potentialities.”<sup>518</sup> In short, by this time, both parties had an enhanced interest in gaining access to the economic and social benefits arising from the exploitation of oil, land, and water, resources, which could not be fully exploited in an environment of war.

### The Significance of the Past in the CPA

It is not easy to establish an agreement based on a past history, especially when such a past is a story of deep seated mistrust between the actors involved in a conflict, unless the actors themselves realize that they will be worse off in the foreseeable future than if they settle in the present. However, such a realization requires that at least one party in the conflict learns and adapts to the dynamic conflict environment in which he or she finds themselves. Whether a country continues to experience a protracted internal conflict or manages to contain or stop it seems to have much less to do with the system of governance it practices than with the rate and scope of learning amongst its political elites (both those in the governing class and those battling their way to the top). The problem in Sudan has not been the failure of the civil population to replace a bad government but what to replace it with. For instance, popular uprisings overthrew governments in 1958, 1969, 1985, and 1989 but each of the newly installed governments turned

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<sup>518</sup> Zartman, I W. (ed.) (1995), *Elusive Peace: Negotiating an End to Civil Wars*, Washington DC: The Brookings Institution, p.18

out to be much worse than its predecessor in terms of managing political and economic crises, chiefly because the ruling elites, lacking a sense of history, failed to learn from the past.

The lessons learned or ignored from previous negotiation engagements can, as a result, lead the parties involved to achieve a correspondingly better or worse peace settlement in subsequent negotiations. More importantly, knowing what works and what doesn't work requires learning and adaptation. Having undoubtedly learned from the past failures, the SPLM/A was determined to not repeat them; it did not want to end up with another flawed peace settlement as such an outcome would amount to nothing more than pausing the conflict for it to be resumed at a later date – whenever either party found it in its best interests to do so. The SPLM/A's reorganisation of its leadership structure, its transformation of its violent regional protest into an ideological protest, its provision of more than a year for the negotiation of implementation modalities, and its insistence on a particular sequencing of disputed issues at the negotiating table, can best be identified as variables of this learning process. In short, unlike the AAA in 1972, the negotiation process leading to the signing of the CPA was better structured in the sense that the parties had clear agendas, which they fed into the compromises that led to the final agreement.<sup>519</sup> As Manshour Khalid has noted this procedure had to do with a learning approach.<sup>520</sup>

The intellectual concepts that John Garang de Mabior provided during the talks which led, first to the Machakos Protocol and finally to the CPA, were not new

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<sup>519</sup> Sumbeiywo, L. (2013) Interviewed by Malual Ayom Dor, South Sudan, 16 April

<sup>520</sup> Khalid, M. (2013) Interviewed by Malual Ayom Dor, South Sudan, 13 April

because he had raised them with General Lagu during the AAA negotiation process. Dr Garang had asked Lagu why he had adopted a specific approach in drawing up the agreement, suggesting that, instead, any ultimate decision would have to have had popular sanction and that this would have required an interim trial period after which the population in the South would have to be consulted about the decisions that had been made. In addition, Dr Garang did not believe in an integrated unitary army for Sudan; he wanted two separate military forces with an umbrella command structure. His concerns about the viability of the decision-making process actually adopted were probably correct in view of the failure of the AAA. Furthermore, Garang had never envisioned two Sudans as separate sovereign states, preferring a federal solution instead. His decision to consider separation was due to the government's insistence on Sharia Law and the demand from southerners for self-determination. Indeed, if John Garang de Mabior had been a separatist, it would not have taken another two years to negotiate the CPA after the Machakos Protocol had been signed because the issues discussed did not only relate to the South alone.<sup>521</sup> In the CPA negotiations, the Government of Sudan had two objectives: to stop the war and to extricate itself from the accusation that it was a sponsor of terrorism, mainly in order to appease the United States whose anger over Khartoum's hosting of Osama Bin Laden had been aggravated by the September 11th 2001 attacks on New York and Arlington.<sup>522</sup> By this time, the War on Terror had effectively picked up where the Cold War left off with the consequence of a sharp division of the non-western world into "those who are with us and those who are with terrorists."<sup>523</sup> The GoS'

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<sup>521</sup> Khalid, M. (2013) Interviewed by Malual Ayom Dor, South Sudan, 23 March

<sup>522</sup> Sumbeiywo, L. (2013) Interviewed by Malual Ayom Dor, South Sudan, 16 April

<sup>523</sup> Statement of the American President George W. Bush after September 11<sup>th</sup> 2001

position on the IGAD peace effort as far as the war was concerned was clear in the following excerpt from Don Petterson's interview with a leading NIF leader, Abu Salih:

“Abu Salih and I had been talking about the IGAD peace effort. He indicated he had been fully briefed on [these] meetings. He went on to say his government wanted the IGAD mediation to succeed in ending the war. He expected to meet with [Kenyan] President Moi on March 16th, and a GoS delegation would go to Nairobi for talks with the SPLA beginning on the 17th. He said Sudan was suffering enormously because of the war, which in his view was the cause of most of its problems with the West. However, some outside forces were bent on keeping the war going so that his government would be weakened and toppled.”<sup>524</sup>

As this shows, the government in Khartoum felt acutely vulnerable, for other actors in Khartoum had begun to consider themselves better alternatives to the NIF as the government; even the former NIF ideologue, Hassan al-Turabi, had been able to convince a considerable number of people that he was more democratic in outlook than the regime of Omar al-Bashir, which he had himself originally catapulted into power.<sup>525</sup> Therefore, from its point of view, anything that would guarantee securing its hold on the system and hence its remaining in power, at least in the North, was open for discussion as far as the GoS was concerned, including cutting a deal with a powerful southern movement, the

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<sup>524</sup> Petterson, D. *Inside Sudan*, p.131

<sup>525</sup> Although he was imprisoned with other political figures following the 1989 coup that brought to power President al-Bashir, Mr al-Turabi was soon released and given a crucial role helping the new government to fashion its policies in accordance with Islam. On 30 June 1989, a coup d'état by Brigadier Omar al-Bashir and supported by al-Turabi and his followers led to severe repression, including purges and executions in the upper ranks of the army, the banning of associations, political parties, and independent newspapers and the imprisonment of leading political figures and journalists.



SPLM/A.

### State, Religion and Confederation

It is clear that the government's peace agenda was intended to end suffering induced by the war. However, it was not the suffering of the civilian population that it was concerned about but rather the suffering inflicted on the regime by American sanctions in 1997, issued under Executive Order 13067, which imposed a comprehensive trade embargo on Sudan and blocked government assets.<sup>526</sup> It is likely that these sanctions, more than anything else, were the major driving force for Sudan to take its place at the negotiating table. Furthermore, the SPLM/A had clearly defeated the Government of Sudan on the diplomatic front because its leader, John Garang de Mabior, had made sure to publicise the movement's position everywhere, wherever he found an opportunity to do so. In a letter dated 14<sup>th</sup> of October 1994, for instance, John Garang de Mabior wrote to Mobutu Sese Seko the Zairian president: "The SPLM/A wants a negotiated settlement on the following two issues: self- determination for Southern Sudan including Abyei, South Kordofan and Southern Blue Nile; separation between state and religion."<sup>527</sup>

In all of the Sudanese negotiations prior to the signing of the Machakos Protocol in July 2002, the issue of what the relationship between state and religion should be had dashed any hope for a peaceful resolution to the conflict. The SPLM had always wanted there to be no relationship between state and religion and had

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<sup>526</sup> For details, please refer to the Office of Foreign Assets Control's Sudan Sanctions Program available at <https://www.treasury.gov/resource-center/sanctions/Programs/Documents/sudan.pdf>

<sup>527</sup> The SPLM's position paper to the IGAD in 1997, available at South Sudan Embassy in Kenya, April 16<sup>th</sup> 2013

demanding that matters of faith be left between an individual and her/his creator, a position popularized by the leader of the SPLM through his speeches over Radio SPLA and other SPLM/A media. The government of Sudan, especially as represented by the NIF, which had originally been responsible for its extremist stand on questions of faith, maintained that the state and religion were inseparable. Sudan is a heterogeneous society, and in the past, the politicization of religion has been a factor in dividing Sudanese and producing a fragmented Sudanese society. Sudan is divided between various denominations of Christianity and Islam mainly Sunni Islam. Muslims have had greater access to education and modern economic employment. Indeed, the Muslim north “...had opportunities to advance and develop economically and educationally.”<sup>528</sup> Unlike the case of Eritrea where nationalities rather than religious communities were stressed as the major factor in nation building, Sudan nationalism was based on religion and ethnicity.

Given the negotiating conditions in which the CPA was to evolve, only two routes were open for the SPLM/A: either to insist on the separation of religion and state throughout Sudan, which would have led to a stalemate and the eventual breakdown of the talks, or to seek workable solutions that would end the war without compromising the citizenship rights of non-Muslims in the South. In these circumstances, too, it was made clear to the GoS that either the NIF make the prospect of unity attractive to the South or there would be a cost, namely, the separation of the country into two after a referendum for self-determination in the South. The IGAD mediating team realized that, in order for the talks to move

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<sup>528</sup> Oduho, J. and Deng, W, (1963). *The Problem of the Southern Sudan*. p.12

forward, the question of state and religion would have to be given the attention it required. In consequence, the mediators asked the disputants to put their initial positions on the issue in writing so that they could try to construct a mutually acceptable position out of them. This exercise took up to between ten and twenty drafts, each of which was then tabled for debate. The second draft provides an example of the intensity of the debate for when it was presented to the SPLM/A, it was rejected outright. As the SPLM/A delegation pointed out:

“Separation of religion and state as referred to in the IGAD declaration of principles (DOP) has been redefined as ‘religious accommodation,’ presumably in support of the idea of a ‘two systems – one state’ approach, and possibly because Khartoum is presumed not to be prepared to accept separation of religion and state.”<sup>529</sup>

The issue of the relation between the state and religion was critical because the question of what the governance system for Sudan would be would depend on it. For instance, the NIF demanded that a united Sudan should be ruled as a federal state while the SPLM demanded that the united Sudan should become a confederation<sup>530</sup> for an interim period, the length of which would have to be subject to further discussion. It should be recalled that federalism was the system that Southern political leaders had originally demanded in exchange for their support for Sudan’s independence from Britain in 1956 and which had been

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<sup>529</sup> SPLM Comments on the IGAD ‘Preliminary Agreement’.

<sup>530</sup> Federal systems (or federations) are more common than confederal governments today. The USA is federal, as is Canada. Germany is federal, and Russia is a rather centralized federation. Federal systems differ in how much power they give to the federal, as opposed to the regional, governments, but they are all alike in that some powers are reserved to each level of government in a balancing act. In essence, in a federal system, individual members or states control internal affairs but hand over external affairs to a federal government whereas in a confederation, members or states retain autonomy over both internal and external affairs but share common purposes, usually in external affairs. See <https://en.wikipedia.org/wiki/Federation>.

promised to them by the Khartoum-based elites but which was later denied after Independence.

This initial betrayal of Southern aspirations and the SPLM/A's later rejection of federalism seem to be in contradiction with each other and raise the question as to why the SPLM/A, which had portrayed itself as the sole representative of Southern Sudan, the region that had originally called for federal status, would now reject the NIF's offer of a federal system. The answer was simple: 1) the federal system could not guarantee that state and religion would remain separate and 2) the federal system did not guarantee equitable representation in all the institutions that would have comprised the federal union. The lesson had been well-learned; in a letter dated 10 October 1989 to John Garang de Mabior, James Wani Igga, a military commander, wrote: "the federalism now proposed does not differ in substance from the regionalism now in effect. In fact, it is feeble as it is like replacing a broken pot with a worn-out saucepan."<sup>531</sup> In fact, the 1972 AAA had implied regionalism and regionalism did indeed result from its failure. In both cases, therefore, historical experience meant that regionalism was a system that did not enjoy wide support in the South; even SPLA soldiers derided it in their songs: "Regionalism, we do not want anymore; small government we do not want anymore." The SPLM/A, therefore, offered confederation as an alternative, which would solve the problem of religion and state. The Southern region, including Abyei, Southern Kordofan, and Southern Blue Nile would not be required to accept any form of *shar'ia* law or indeed an 'exemption from Sharia' or a 'Special Status' within the Sudanese state. Instead, as a confederal state, it could

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<sup>531</sup> Igga, W, Rediscovering Our Roots. p.13

be secular, alongside a *shar'ia*-based state in the North, the two states together making a confederation that would be the future Sudan.<sup>532</sup>

The issue of *shar'ia* law, however, was only one of the two key issues that had to be resolved in the CPA. The other was the ultimate status of Southern Sudan, for it will be recalled that John Garang de Mabior had demanded that, whatever conclusions were reached in the IGAD-mediated negotiations, the population of the South should eventually be consulted about their willingness to accept them. In Geneva on March 24<sup>th</sup> 1999, John Garang de Mabior, identified himself as the spokesperson for the marginalized and persecuted people of Sudan in addressing what he called 'the forum for the human rights of all peoples,' – the United Nations Human Rights Commission – in the following terms: "The SPLM/A conceives of self-determination as a democratic, human and popular right."<sup>533</sup> The SPLM/A also made clear what it considered were the appropriate entities to which self-determination should apply and under what conditions the process should be carried out. Those concerned would comprise the populations of the territories within the Southern Sudan border as defined by the January 1, 1956 Sudan map including the District of Abyei, whose population was Dinka, Southern Kordofan (the Nuba Mountains), and the Funj people of Southern Blue Nile. Writing in 1963, Oduho and Deng note:

"At present the part of the country known as the 'North' extends from 12° to 22° latitude north; it is mainly Muslim with a large Arab group and is administratively divided into six Provinces: Northern, Kassala, Khartoum,

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<sup>532</sup> John Garang's letter to all units, dated May 16<sup>th</sup> 2002

<sup>533</sup> The SPLM's position paper to the IGAD in 1997, available at South Sudan Embassy in Kenya, April 16<sup>th</sup> 2013

Blue Nile, Kordofan and Darfur. From 4° to 12° latitude north is known as the South...”<sup>534</sup>

The movement also proposed that separate referenda should be carried out in each of the three areas mentioned above and that they should be conducted under international supervision.

The insistence on referenda also reflected the learning process that the SPLM/A had undergone for it was not the first time that a negotiated settlement in Sudan had promised a referendum for populations which had felt excluded from the Sudanese state. The 1972 Addis Ababa Accord had promised that the District of Abyei would be able to decide its own future through a referendum, but this had never taken place because of the absence of international supervision. As a result, the failure to hold a referendum in Abyei led the population there to take up arms against the Sudanese state at the start of the 1980s - the Abyei Liberation Front was founded between 1982 and 1983 and joined the SPLM/A's insurrection in 1983.

Past history alone, however, was not the only reason for the SPLM/A's insistence that any agreement be confirmed by popular referendum. Firstly, the Movement was determined, in constructing the CPA, to avoid a recurrence of the conflict created by the inequalities inherent in the settlement negotiated in Addis Ababa in 1972. Secondly, it was insistent that lasting peace could only be achieved if the negotiating process took as its starting point the factors that had then led to the

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<sup>534</sup> Oduho, W. and Deng, W. *The Problem of the Southern Sudan* p.8

resumption of the civil war.<sup>535</sup> The reasons for its insistence on this position was, again, born out of historical experience, for previous agreements had tended to be ‘quick fixes’ for specific problems rather than seeking to fundamentally redress grievances. Thirdly, although the SPLM/A had declared itself to be the spokesperson for all the marginalized masses in the country, it insisted that only those that had taken up arms against the government should have the final say in any negotiated outcome. In the end a popular consultation was agreed, in a separate protocol, for Southern Kordofan and Blue Nile, while Abyei was given a referendum that was to take place at the same time as the southern referendum.

The SPLM/A, by the time of the CPA negotiations, had embarked on programmes to empower the populations it controlled and to involve them in decision-making processes, including their economic future and their social situation. Indeed, involving the population in making decisions that affected their lives became a dominant strategic theme for the SPLM/A at the negotiation table as well.<sup>536</sup>

This position made the negotiations leading to the CPA unique in the sense that no former peace settlement between the South and the North of Sudan had ever been structured with the civilian populations affected by the war in mind. One reason for this was again connected to the learning process that the SPLM/A had undergone in the aftermath of the Addis Ababa Agreement. It had concluded that that agreement had effectively failed because of the perception that it had really been no more than a ‘gentleman’s understanding’ between Sudan’s President

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<sup>535</sup> SPLA Radio broadcast to the Sudanese people on the continuation of the war after the overthrow of Sadiq al- Mahdi by Omar al-Bashir, August 9<sup>th</sup> 1989

<sup>536</sup> Sumbeiywo, L. (2013) Interviewed by Malual Ayom Dor, South Sudan, 16 April

Nimeiri and Anyanya's Joseph Lagu. Thus, since the understanding was merely between two individuals, it proved to be easy to abrogate it, once one of the partners decided that the other was acting in bad faith.<sup>537</sup>

The SPLM/A's demand for a participatory peace settlement in the CPA, where the affected civilian population would eventually decide on its future through a referendum challenged this apparent lack of participatory governance in Sudan, which it saw as the sole obstacle to stability in the country. From its perspective, as early as 1994, a peaceful resolution of the Sudanese conflict could only be achieved through a comprehensive development strategy that depended on a sustainable system of participatory democracy and good governance. This was a radical shift for the movement from the days of the AAA in 1972 and showed how it had learned from its own mistakes, both in shaping the armed struggle and in formulating its peace agenda. In this process of learning, 1994 is a key date for, from the onset of the liberation struggle in 1983 until the First National Convention in 1994, the efforts of the movement had been directed mainly to the prosecution of the armed struggle such that its military aspect was paramount and was more emphasized than the question of civil authority. In 1994, however, the imperatives of the liberation struggle – namely, its responsibilities in administering the areas it controlled – led it to change course, building up appropriate administrative structures and promoting participatory democracy. By the time of the CPA, the SPLM/A had learned from the mistakes made in the AAA, not least the lack of international guarantees and implementation modalities for the performance of the agreement. With the CPA, however, the

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<sup>537</sup> Nimeiri was reported to have said this of the AAA of 1972, a point that emerged in many interviews with the author.



SPLM/A proposed an Assessment and Evaluation Commission, made up of international representatives, to monitor the agreement and to help ensure its implementation.

### Sequencing in Negotiations

Mediation efforts undertaken from the start of the war by various interested groups - the African leaders, the Organisation of African Unity (OAU) and Arab leaders – had failed to find a negotiated resolution to the conflict. The government and the SPLM/A continued to pursue a military resolution to the conflict, with oil wells and other development projects such as the Jonglei Canal in the South as the government's main project for the sources of revenue, as the main prize. In February 1984, former Anya- Nya I veterans, who had been incorporated into the SPLM/A, "...attacked a Chevron facility in Block 1... This led Chevron to suspend operations in the south."<sup>538</sup> While the government in Khartoum refused to accept the SPLM/A as the representative negotiator of the marginalised people of the Sudan, and made its commitment to a ceasefire deal conditional on the immediate withdrawal of SPLA forces from Eastern Sudan, the SPLM/A conditioned its commitment to negotiations on the removal of shar'ia laws introduced by Nimeiri. Under pressure from international actors and faced with a growing military stalemate, the belligerents half-heartedly engaged in the Machakos peace process which resulted in the signing of the Declaration of Principles (DoP) in 2000, the Machokos Protocol in 2002 and the eventual signing of the CPA in 2005.

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<sup>538</sup> Human Rights Watch Report 2003 on Sudan. Chevron Period: 1974-92, available at <https://www.hrw.org/reports/2003/sudan1103/10.htm>

Normally negotiators seek a general definition of the items under discussion, conceived and grouped in such a way as to be susceptible of joint agreement under a common notion of justice. This process is what is referred to here as ‘the sequencing of issues,’ for the order in which issues are discussed determines the ultimate character of the negotiated outcomes. Nicholas Haysom highlighted this aspect of the process that was to lead to the CPA when he commented on the negotiation process, which produced the 1994 Machakos Protocol: “The Machakos Protocol was indeed a breakthrough. It not only generated a basis for a common text but it also saw the parties agree on both principles and details on issues that had previously seemed intractable.”<sup>539</sup>

It is clear from this that, for the SPLM/A, the history and the failures of AAA acted as a reference point against which any outcome of future peace negotiations would have to be compared. It saw the implications of that experience as the need to protect its delegates from accepting unfavourable agreements in the future. It also appreciated the need for properly structuring the negotiation process, such that its insistence on a particular sequencing of the issues in dispute was also intended to produce a positive outcome, which the AAA, because of the unstructured nature of the negotiations in 1972, failed to produce. Thus, the SPLM/A’s red lines in the protracted negotiations, which gave birth to the CPA, were largely the consequences of its perceptions of the shortcomings of the AAA. That failure had been rooted in four issues: a lack of security guarantees for former rebel fighters, an absence of mechanisms for ensuring the political inclusion of Southern elites in the future governance of the country, an absence of

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<sup>539</sup> Interview with Nicholas Haysom, who was a part of the IGAD mediating team in ACCORD 18, p.28, available at <http://www.c-r.org/accord>

international guarantees, and an absence of implementation modalities or mechanisms for monitoring. The SPLM/A therefore approached these issues with cautious deliberation, putting aside a period from July to December 2004 to address them.

In the 1972 AAA, the most contentious issues, which involved security arrangements, were pushed to the bottom of the list of items to be discussed. The result was that when one party to the negotiations felt unfairly treated, too much commitment had already been invested in the negotiating process and it was far too late for that party to exit it. In other words, the ‘sunk cost effect’ ensured that the negotiating process would continue despite the perceptions of disadvantage experienced by one of the parties to it.<sup>540</sup> By the time of the CPA negotiations, however, the SPLM/A’s negotiators had learned that the poverty of the content of the AAA arose in large part from the order in which the issues it dealt with had been negotiated. As a result, when they, in turn, negotiated with the Government of Sudan, the issue of sequencing became a decisive concern.

As early as the negotiations of the Machakos Protocol in 1994, the SPLM/A insisted that it would only negotiate if the first item on the agenda was to be the security issue. This was important, even more than the issue of oil, which had not even been mentioned in the AAA, because the guiding principle that the SPLM/A wished to institute for the country overall was what it called, perhaps in conscious imitation of the Republic of China’s arrangements for re-integrating Hong Kong in 1997, ‘one country, two systems’. This would entail, among other

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<sup>540</sup> Arkes, H. R., & Blumer, C. (1985). The Psychology of Sunk Cost. *Organisational behaviour and human decision processes*. El Sevier. 35(1), pp.124-140

considerations, two separate armies, one of which would serve as a deterrent in case the Government of Sudan reneged on its promise to allow the South to decide whether it would opt for independence or remain as an integral part of the Sudan as the result of a referendum. The AAA had fallen short of securing independence or even effective autonomy for the Southern region because there had been no independent army for the South. Its lack was the reason why regional autonomy, which the agreement had guaranteed, could be so easily undermined by President Nimeiri, as the author of the accord, by meddling with the internal politics of the Southern region.

Similar concerns applied to the question of the relationship between state and religion. All the previous Sudanese negotiating initiatives had collapsed because both sides failed to agree on how to handle the issue. Eventually, the SPLM/A appreciated that the only effective sequencing of such a substantive issue would be to place it, alongside the security issue, at the head of the list of issues to be discussed. Indeed, even the mediating team at the Machakos talks realized this as Nicholas Haysom recalls: “It had been suggested that if this issue could be resolved other issues would fall into place.”<sup>541</sup>

In passing, it is worth noting that the sequencing of issues still seems to continue to deadlock negotiations between Khartoum and the SPLM (now the government in Juba) even after the CPA. In recent talks, the two issues on the table that had to be sequenced before effective negotiations could begin were the demilitarization of border zone and the flow of oil from the South through the North to world

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<sup>541</sup> Haysom’s interview in ACCORD 18, p. 31, <http://www.c-r.org/accord>

markets, which had been shut down after the crisis at Heglig.<sup>542</sup> Khartoum had been insisting that before oil could flow, the demilitarized border zone had to be agreed. The breakthrough in the stalled peace deal came in January 2013 when Khartoum agreed to negotiate both issues simultaneously. However, without the implementation of the Abyei Protocol, this deal on Heglig will not occur.

### Mutual Trust and Popular Reaction

Unlike the case of the Congo, where negotiators struggled to reach an agreement on two fundamental aspects of peace deal: power sharing and the restructuring of the national army without sequencing during their inter-Congolese Dialogue, the SPLM/A and the GoS focused on the identification and sequencing of hard issues. Despite the SPLM/A's identification of key issues and its understanding of the importance of appropriate sequencing of issues in negotiations, perhaps two of the most important lessons it learned was that a negotiating process can only succeed if there is eventually a degree of confidence in the equitability of the process on both sides and if the constituencies that each party represent also feel engaged in it. The basic lesson learned in the Sudanese negotiations was that a party will accept to negotiate if the minimum payoff will not place it in a worse position than it had enjoyed prior to the negotiations and, furthermore, that the calculation of such a minimum payoff requires tactical learning. A miscalculation on these issues can be dangerous and result in outcomes similar to those that developed in 1972. Making peace with the South in order to expand his national power-base

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<sup>542</sup> This was an armed conflict between the countries of Sudan and the South Sudan in 2012 over oil-rich regions between the South Sudan's Unity and Sudan's Southern Kordofan provinces. South Sudan invaded and briefly occupied the small border town of Heglig before being pushed back by international pressure. Small-scale clashes continued until an agreement on borders and natural resources was signed on September 26, 2013, resolving most aspects of the conflict.

had been Sudanese President Nimeiri's strategy in negotiating the AAA in that year. In 2005, in negotiating the CPA, the National Congress Party (NCP) that then dominated the Government of Sudan calculated that negotiations would allow it to secure its political system, ensure stability and remain in power at least in the North – an important motivation for it having been prepared to accept to negotiate. Whether the NCP miscalculated is yet to be seen, however.

Popular engagement in the outcome of a negotiating process was key to Southern success. During the exercise of its right to self-determination through referendum, an element of the learning process was evident amongst the population in the South. The BBC's Peter Martell watched Southerners who "...gathered to watch the results of their historic independence referendum, [for them] only one message mattered: the confirmation that the South will become a nation of its own."<sup>543</sup> The results, when they came, demonstrated the accuracy of his observation, for 98.83% of voters had backed independence. This result was certainly a revenge against historic injustice and demonstrated the wisdom of the SPLM/A in including the possibility within its negotiating objectives. Indeed, as Kofi Annan agreed "...people [in South Sudan] have had enough of war. They want to avoid conflict."<sup>544</sup> It would have been hard to reach such a conclusion if learning had not taken place and popular capacity to learn and remember should never be underestimated.

The SPLM/A had, in short, learned from the mistakes of its predecessors and

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<sup>543</sup> Martell, P. 'South Sudan celebrates as independence vote confirmed.' BBC News, Africa, 7<sup>th</sup> February 2011

<sup>544</sup> Bhaskar, R. 'Masses Turn Out to Vote in South Sudan' Al Jazeera. 09 Jan, 2011

vowed not to repeat them as far as dealing with Khartoum was concerned. Another element of learning process showed up when the SPLM/A and the GoS discussed terms of cease-fire. The SPLM/A argued in essence that:

“A comprehensive cease-fire without the necessary political framework would only postpone the war and prolong the suffering of the Sudanese people. This was borne out of historical experience. In the past, subsequent governments of Sudan have called for cease-fires when weak (or under pressure) as a matter of strategy and violated them when in a position of strength. Well-known examples of this phenomenon are the 1972 Addis Ababa Agreement, the 1993 Abuja-brokered cease-fire, the 1998 Humanitarian Cease-fire Agreement, and the now defunct 1997 Khartoum Peace Agreement.”<sup>545</sup>

When the preliminary agreement proposed by the mediators was presented to the SPLM/A, as mentioned above, it objected to the definition of ‘self-determination’ used in the document. The SPLM/A’s criticism was that the document redefined self-determination as a process designed to lead to self-administration or local autonomy, thus excluding the option of independence. For the SPLM/A this approach had failed twice before, in 1972 (Addis Ababa Agreement) and recently in 1997 (Khartoum Peace Agreement). The preliminary agreement had recognised that the people of Sudan are diverse and belong to the different ethnic, religious, and cultural affiliates but desire to remain united as a nation and to co-exist within that diversity. However, the SPLM/A was of the view that thirty-six years of war out of forty-six years of independence is not an indication of desire to remain

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<sup>545</sup> Ibid

united as one nation.

The other serious problem with all the pre-CPA agreements between the South and the North had been the non-involvement of Southern citizens in the process. They had all been agreements between southern elites (with little or no mandate from the tribal majority of the population) and northern political leaders. Determined not to repeat the mistakes of the previous generation, the SPLM/A recognized the importance of the southern citizenry's participation in deciding its own future. As a result, the issue of the right to self-determination through a referendum for the Southern Sudanese became the most emotive issue for the SPLM leadership. The deputy Commander-in- Chief of the SPLA, Salva Kiir Mayardit, who headed the SPLM/A's delegation to Machakos warned the chief mediator, General Lazarus Sumbeiywo, that: "if self- determination is not included in the document, we will not sign this agreement."<sup>546</sup> As soon as self-determination had been agreed, Commander Salva Kiir went back to the bush, leaving the remaining items to be negotiated by his juniors.

However, the issue was not fully resolved by a basic agreement about self-determination, for there was still no agreed mechanism by which it could be discharged. A statement by Sudanese Church leaders on 20th July 2002 about the Machakos Protocol, released from Entebbe (Uganda) on 29th July read:

"We are concerned about the lack of international guarantees that the provisions of the Protocol will be carried out. The procedures for carrying out the referendum are not provided in the Protocol. We recommend that

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<sup>546</sup> Sumbeiywo, L. (2013) Interviewed by Malual Ayom Dor, South Sudan, 16 April



these guarantees and procedures should be discussed and agreed upon during the August 2002 talks.”<sup>547</sup>

As can be seen from this statement by Sudanese church leaders, civil society within the southern population had certainly learned from the failure of the Addis Ababa Agreement. Since the SPLM/A had promised to make the peace settlement a participatory project in which it would represent the civilian population in the Southern Region, it did not ignore such concerns amongst popular representatives from the wider community, which feared a repetition of previous failures. Indeed, in negotiating the CPA, the SPLM/A spent half of the three-year-long process on negotiating the implementation matrix <sup>548</sup> as a consequence of its historical experiences. As a result, it continued to gain support from the civil population over this specific aspect of the negotiations. For instance, Chief Kanuto Ekebek Aham in a letter dated May 30th 2004, wrote to John Garang de Mabior: “may the Almighty God give you extra courage to follow the implementation process till the least of our objectives is achieved.”<sup>549</sup> Besides the letters that the SPLM/A leadership received from individuals, civil society organisations, and church leaders, another very important source of individual and collective expression of awareness of these issues came from songs composed during the war and which kept reminding Southerners ‘ke waar ci rot ber nyok’, (yesterday’s event must not repeat itself) – a coded reference to the Addis Ababa Agreement of 1972.

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<sup>547</sup> The All Africa Conference of Churches (AACC) launched an-African prayers for the Sudanese peace process on July 26 2002 in Nairobi. And in Kampala, Uganda, the Sudanese People's Liberation Movement/ Army (SPLM/A) Chairman Dr John Garang met on July 27 2002 with Sudanese President Omar al Bashir, and both endorsed a Sudanese peace agreement signed in Nairobi last week. See the Church Statement, 27 July 2002

<sup>548</sup> Sumbeiywo, L. (2013) Interviewed by Malual Ayom Dor, South Sudan, 16 April

<sup>549</sup> Chief Kanuto Ekebek Aham in a letter to the SPLM/A Chairman dated 30 May 2004

The NCP had also had its own failures in respect of popular representation; it had tried to make an alternative peace with non-SPLM/A political groups through the Khartoum Peace Agreement of 1997, but that had failed because such parties were not widely accepted to be representative of the Southerners. This was a failure which, in turn, boosted the identity of the SPLM as the sole representative of South Sudan and this left the NCP with no alternative but to accept to negotiate with the SPLM/A. Also, the GoS was internationally isolated, largely due to its sponsorship of international Islamist terrorism. While Khartoum was challenging the SPLA's earlier victories between 1991 to 1994, it also sheltered Osama bin Laden and al-Qa'ida, an action, which gave rise to fears of American retaliation after the September 11th 2001, attacks on New York and Washington.

### The CPA Itself

Asked to explain why it took so long to sign the CPA, Nicholas Haysom who was in the mediating team, pointed out that: "Negotiating the implementation details took longer than many observers wanted, but for us it was an essential element. The SPLM, as the non-state party, was understandably keener than the government."<sup>550</sup> The SPLM/A certainly insisted on negotiating issues and the details of the consequent implementation procedures, but this caution actually had little to do with the status of the SPLM/A as a non-state party. Instead, it had everything to do with the lessons it had learned from previous failures of negotiated settlements, notably the Addis Ababa Agreement. It was also the case that identity issues have always been at the centre of the Sudanese conflict but in the 1972 Addis Ababa negotiations, the entire enterprise took less than two weeks

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<sup>550</sup> Haysom's interview in ACCORD 18, p. 31 <http://www.c-r.org/accord> accessed on 5 November, 2015

to conclude, hardly time for such delicate and complex matters to be addressed. When compared with the protracted negotiations, which cumulated in the signing of the Comprehensive Peace Agreement in 2005, it is not too difficult to understand that a different explanation than one based on non-state status is necessary. In fact, it must have had to do with the actual scope of the conflict and the objectives for its resolution entertained by both sides. The scope of a conflict for these purposes can be defined in terms of the purposes for which it is waged. A primary distinction could be between wars of secession and wars of revolution, in that insurgents seek to change either a government or society or to reform both. Such a distinction is important because it helps the disputants to devise appropriate strategies. Richard Benseel argues that secessionist conflicts are best resolved by devolution of power, while a revolution is best contained by centralization of power and defeating the rebels.<sup>551</sup> The question of power is central to the analysis of discourse and, by extension, to the critical constructivist approach adopted here.<sup>552</sup> First and foremost, this means that discourses are embedded in, carried forward by, and bound up with institutions of authority. The state and its representatives do not monopolize such authority. Rather, it is widely but unevenly distributed through society. Discourses are bound up with power, secondly, in that they produce knowledge and truth on which human action is based. Discourses are powerful because they open up and foreclose possibilities of speaking and acting on the subjects, which they form. However, the warring parties in the Sudanese conflict that began in 1983 have never been able to agree on the definition of the scope of the conflict in which they were engaged.

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<sup>551</sup> Benseel, R. F. (1990). *Yankee Leviathan: The Origins of Central State Authority in America, 1839-1877*. New York: Cambridge University Press 1990

<sup>552</sup> See the discussion in the Literature Review Chapter above.

The SPLM/A, largely based in the Southern Region, believed it was waging a revolutionary conflict to transform the whole of the country and its governing system, while various regimes in Khartoum that had to deal with the movement viewed the conflict as secessionist. The confusion that arose from this disagreement stalled many peace initiatives between the disputants. The SPLM/A's declared objective was to restructure both the system of national governance and to change the leadership in Khartoum. In April 1985, "...the blows dealt to the regime by the SPLA and the popular uprising in the cities of the North overthrew Nimeiri."<sup>553</sup> This only achieved one of the SPLM/A's objectives, so it continued to fight. In the words of Colonel Garang:

"Dictator Nimeiri has gone but his policies, laws, and institution are still in force. The September Sharia Laws of 1983 have not yet been repealed. The government is working out alternative Islamic Laws. Since there is no change in policies and system of rule, and since the present ruling class does not want peaceful solution to our national problems the SPLA has no choice, but to fight to bring about lasting peace and equality among all the nationalities of our country and for democracy and unity."<sup>554</sup>

The SPLM after failing to restructure the country, opted instead for the creation of a new state in the South but this, a major achievement in itself in creating a state at the negotiating table, could not have been achieved without learning from past negotiating failures.

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<sup>553</sup> SPLM/A Press Statement on the Causes and Continuation of War in the Sudan after the overthrow of dictator Nimeiri, January 13<sup>th</sup> 1987. Available at the South Sudan Embassy closed archives, Nairobi Kenya. Accessed on 9 June 2013

<sup>554</sup> Ibid

## Technical Competence

As the case of the Inter-Congolese Dialogue between the warring parties in Congo show, technical competence plays a significant role in reaching an end to conflict. In the case of the Inter-Congolese Dialogue, the meeting was organised in five technical commissions: a political and legal commission, a defence and security commission, an economic and financial commission, a humanitarian, social and cultural commission, and a peace and reconciliation commission. In the case of the Sudanese negotiations, John Garang de Mabior and Ali Taha led the delegations to the Naivasha negotiations of the SPLM and the GoS respectively, where the CPA was finally signed in 2005. The Naivasha talks made use of the experience acquired from the shortcomings of the negotiations that had taken place in Addis Ababa thirty-three years earlier, not least the need for technical and professional competence. Throughout the negotiation process at Naivasha, the SPLM's delegation was divided into specialized teams each responsible for a different area of competence. As a result, the main negotiating team was flanked by a team on wealth sharing, a legal team, and a political committee, each of which dealt with issues pertaining to its sphere of operations. As Gabriel Alaak Garang explains:

“I was reminded that when we had been in Machakos, there had been a debate about whether one person or two people should hold the positions of the first vice-president of the Republic of Sudan and that of the president of the autonomous government of Southern Sudan, an issue that required some expertise to resolve. The argument that won was that the same person could hold both positions because experience from the Addis

Ababa arrangements showed that Khartoum would try to engineer an internal rift of the kind which had aided President Nimeiri in ultimately abrogating that agreement.”<sup>555</sup>

As mentioned above, the CPA was signed under tremendous international pressure, especially for the Government of Sudan, which accepted Southern demands which it had resisted for decades – such as the existence of two separate armies in the same country and an exercise of self-determination through referendum. It hoped, however, to recover what it had conceded during the implementation phase, as had been its practice previously. The structure of negotiating teams, according to Brigadier General Alaak Garang- a resource specialist in the SPLM/A negotiation team, which had culminated in the creation of ‘specialized committees’ as described above – set the CPA discussions poles apart from the Addis Ababa negotiations, for those discussions had lacked any basic organisation simply because the Southern rebels did not have a clear agenda for the talks whereas the SPLM had learned to prepare a proper agenda that it intended to achieve and clearly defined redlines which it would not cross.

Commander Gier Chuang’s account of the CPA negotiations showed that much had been learned from the AAA experience, as well as from other agreements that had been negotiated over the years, particularly negotiations held by factions which split from the mainstream SPLM/A in 1991.<sup>556</sup> In addition, the leader of the SPLM/A, John Garang de Mabior, had been one of the Anyanya officers who had experienced the AAA negotiations and had had reservations over their

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<sup>555</sup> Garang, G. A. (2013) Interviewed by Malual Ayom Dor, South Sudan, 14 June

<sup>556</sup> Chuang, G. (2013) Interviewed by Malual Ayom Dor, South Sudan, 12 June

conduct, which he had communicated in writing to the leader of the Anyanya delegation, Joseph Lagu. He therefore could comment on the CPA negotiations with personal knowledge. His original written comments to Joseph Lagu had been ignored at the time and the rebel authorities decided to keep him isolated by sending him to the USA for further studies. The education he obtained there only made his resolve to fight, rather than to accept a bad peace agreement, more intense. The result was that, when the war resumed in 1983, Dr Garang had an insight into past negotiating failures as a participant in the Anyanya experience as well as from other leading actors who had written about what had happened, such as Abel Alier. Dr Garang and the SPLM/A resolved to make sure that such failures would ultimately be either reversed or, at least, not repeated. Every SPLM/A delegation that thereafter negotiated with representatives from the North, sought to ensure that every negotiated outcome would have to at least correct the errors of past agreements and ensure that priorities were properly addressed.

Thus the strength of the CPA lay in the priority the SPLM/A addressed towards security arrangements because these would protect the entire agreement, had the North reneged on its terms in the implementation phase as it had on numerous occasions in the past – after all, Jaafar Nimeiri had said of the AAA that it was neither Koran nor Bible whilst Omar al-Bashir had said of another agreement that he would soak it, dilute it and then drink it down! This was the SPLM/A's greatest victory; for Khartoum to have accepted the concept of 'two systems in one country', allowing the SPLM to keep its armed wing alongside the national army was a terrible error unless Khartoum actually wanted the South to secede.

The SPLM had calculated that this would be the way to ensure the separation of the South from the North, whether through confederation or independence, given its past experience of Northern tactics and its responses to the past errors of Southern representatives. The other crucial lesson that the SPLM had learned lay in the area of the importance of the technical competence of the negotiating team. This conclusion one member of the SPLM delegation to the CPA, Elijah Malok, attributed to the previous failings of the 1972 Addis Ababa peace talks and of the Juba Conference in 1947, at which Britain had first proposed to weld North and South Sudan into a single political entity.

In one important way, the Addis Ababa negotiations were a case of history repeating itself with regard to the Juba Conference of 1947, for, as had been the case then, the Southern delegates to the Addis Ababa talks found themselves no match for their Northern counterparts. They had had no constitutional lawyer in their delegation, nor did they have seasoned diplomats in their ranks.<sup>557</sup> Elijah Malok Aleng, who was intimately connected with the South Sudanese from the end of 1983 onwards, has concluded that the failure of the Addis Ababa Agreement to provide a permanent institutional presence in the national army for the former Anyanya arose from the fact that the Southern delegates were not technically competent over constitutional issues. Instead of allowing themselves to be cajoled into dropping their demand for a permanent Anyanya presence in the all-Sudanese army, they could have claimed that Southerners should provide a third of the officer corps since the Southern Region constituted a third of the country's population. As noted by General Alaak Garang, in the CPA

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<sup>557</sup> Aleng, South Sudan. p.7



negotiations in consequence, the SPLM leadership stressed technical competence in selecting the delegates to the talks in Kenya. It did this by gathering intellectuals together and organizing them into technical teams. The drafting of the disputed issues, for example, was left to lawyers, among whom were very senior SPLM leaders including Michael Makuei Lueth, John Luk Jok, and Mayom Akech, all now ministers in the current government of the Republic of South Sudan. This approach made for a far better settlement between the North and the South.

The agreement that had ended Sudan's conflict in 1972 was particularly interesting in the sense that it was not only an agreement that was reached as a result of informal and secret discussions between representatives of the SSLM/Anyanya and the Sudanese Government but was also an agreement that a mediator formalized without making a significant effort to persuade the principal parties to assent to a compromise agreement. On Anyanya's part, the fear of an uncertain future if it did not settle forced it to agree to negotiations even though it knew it would not gain much advantage through them. Part of this fear was rooted in the anticipated changes in the external environment, which could have adversely affected Anyanya as Abel Alier noted. He had participated in the talks on behalf of the Sudanese Government although he came from the South. He commented that:

“The neighboring countries of Ethiopia, Uganda, and Zaire, which were friendly to the Southern Movement, might suddenly face internal changes of leadership.... One southern Sudanese refugee leader recognized this dangerous possibility well when he said to me in Addis Ababa one evening

of 10th November 1971 that: Our friends are Emperor Haile Sellassie, General Amin and General Mobutu. I think these people could change any time and become friends with the Sudan.... But if even they do not change, their people may change them or death may take them.... In any case whatever military support we can get in these countries or through them, cannot match the military power of Sudan government.”<sup>558</sup>

The government had had to assure the rebels that all would be well as a result of the agreement, so it is possible that the government’s choice of Southern Sudanese leaders such as Joseph Garang and Abel Alier to represent it in the talks was meant to allay rebel fears. The Anyanya movement and, to some degree, the entire South Sudanese elite had a very negative view of the government in Khartoum and thus needed some reassurance if it were to participate in the negotiating process. Furthermore, the biggest problem for the Anyanya leadership was the fact that its members did not know or really understand the Khartoum elite as most of them had not grown up in the nation’s capital. In addition, a pattern of dishonoured peace accords between the North [the government] and the South had already emerged during the period after the Juba Conference in 1947 and Independence in 1956, thus adding to their distrust. While the Anyanya movement viewed Abel with suspicion as an agent of the government, he knew what would satisfy both the government and Anyanya so his approach was to reconcile the government’s position and that of Anyanya, as he noted:

“The government should re-examine its stand on the question of dialogue with the rebels. Our purposed solution of regional autonomy is well

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<sup>558</sup> Alier, A. (1992). *Southern Sudan: too many agreements dishonoured* (Vol. 13). Ithaca Press.p.69

known. Rebel leaders continue with rebellion. These leaders are known. We do not lose anything by probing into the rebels' attitudes to our proposed solution... Those responsible for rebellion may wish to have regional autonomy specified in terms of powers, institutions and values, and spelt out clearly or even generally. There should not be any difficulty in working out this, even by encouraging the rebels to offer their suggestions within the framework already laid down.”<sup>559</sup>

Alier proposed regional autonomy because the concept was already widely known throughout Sudan, having been popularized by the Sudanese Communist Party which had referred to the model of the Soviet Union and Yugoslavia in proposing regional autonomy for the South within a united Sudan many years before. In essence, however, Anyanya accepted the autonomy proposal because it lacked the power and authority to insist on a more equal arrangement with the Sudanese government at the time.

### Chapter Conclusion

This Chapter examined the Rationalist and Constructivist approaches to conflict resolution that highlight the importance of stalemate and external pressure and their applicability to the Second Sudanese Civil War and the CPA negotiation process. This Chapter argues that the Rationalist and Constructivist approaches fail to satisfactorily explain the resolution of the Second Sudanese Civil War. Indeed, external Western pressure on the warring parties to find a peaceful resolution to the conflict emerged in the 1990s as a result of Western desires to

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<sup>559</sup> Ibid. p.52

tackle international terrorism and alleged state sponsors of terror. The same decade ushered in a stalemate in the civil war as a result of the SAF being unable to defeat the SPLM/A and the SPLM/A being unable to overthrow the Government of Sudan. Although the external pressure and stalemate of the 1990s would suggest a ripe period for a negotiated settlement to the Second Sudanese Civil War, the government and the SPLM/A were unable to reach a peaceful compromise until 2005. The two approaches therefore fail to fully explain the success of the CPA peace process. Without the SPLM/A having successfully shifted its position in light of its experiences during the civil war and the experiences of the Anyanya movement, the CPA would have been unlikely. It was therefore the social dynamic learning of the SPLM/A that made a peaceful settlement a reality. In order to understand the Sudanese peace process therefore, social learning must be incorporated to existing Rationalist and Constructivist approaches to explaining the Second Sudanese Civil War.

## Chapter 8: Conclusion

Although IGAD has been criticized for not having been able to prevent or manage inter-state as well as intra-state conflict, its intervention in the Sudanese conflict between the SPLM/A and the GoS led to the signing of the CPA in 2005. IGAD, with its headquarters in Djibouti, was initiated in 1986 by Djibouti, Ethiopia, Somalia and Uganda, with Eritrea becoming a member following its independence from Ethiopia in 1993. It was originally conceived by its drought-prone member states as a mechanism for coordinating measures to manage the effects of drought and desertification. It recognizes the sovereignty of all of its member states and non-interference in their internal affairs, as indicated in its Founding Act. But, nonetheless, a lack of trust between IGAD member states has stalled its progress in finding peaceful solutions to conflicts within the sub-region. One case in point is the tension between Sudan and Uganda as a result of accusations and counter-accusations over support to one another's dissidents, namely the LRA and the SPLM/A respectively. Another example of unresolved sub-regional tensions has been the case of border conflicts between Ethiopia and Eritrea. It was to prove to be, however, a very useful vehicle through which the two sides to the dispute in Sudan were brought together in order to negotiate a peaceful solution to their differences. With IGAD's support, the dissidents in the conflict in Sudan were able to sign the CPA in 2005, which ultimately resulted in the 2011 independence of the Republic of South Sudan.

Conflict resolution theorists that adhere to ripeness theory, such as William

Zartman, would suggest that the CPA, however, came about in 2005 because there was a military and diplomatic balance-of-power between the SPLM/A and the Government of Sudan that had created a stalemate between them. However, as this study has sought to reveal, it was the back-and-forth dynamic of ‘learning-by-doing’ through the negotiating process that was as important as any rationally based process of a deal reflecting costs and benefits. Through these complex negotiating sessions, the delegations of the warring parties were able to build confidence and trust among themselves and were able to reciprocate and adjust their positions. This was a clear indication that the two parties to the dispute were increasingly able to revise and compromise their positions, a feature of the process that had been lacking when it began. Continuous interaction between the two parties, therefore, is a vital element in conflict resolution. During this negotiation dynamic and through the continuous interaction between the parties, Vice President Ali Osman Taha and Dr Garang, as the leaders of the two delegations, developed a personal relationship to the extent that they were eventually able to learn to trust each other, as well as a mediator that both could respect. As Ali Osman himself has clearly pointed out:

“After a while we felt uneasy about the Secretariat and the presence of a third...The discussions we had were like a family affair or a family dispute...We felt uneasy about having someone else present... These were things we needed to sort out ourselves, within the family, so to speak. We realized that the presence of Secretariat could complicate matters more than helping us. That was why we ended up negotiating on our own, without any one else in the room.”<sup>560</sup>

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<sup>560</sup> Ali Osman, Interview 19 April 2010 in Johnson, F. p.94

Ripeness theorists suggest that armed conflicts are ended when the warring parties are on a basis of equality of power and when timely third party mediation becomes actively involved in attempts to resolve the conflict. However, through examining the Sudanese experience of the CPA, it is difficult to accept the argument that stalemate and ripe intervention amount to conflict resolution. As this dissertation has sought to demonstrate, the SPLM/A's and the Government of Sudan's decision to discuss a peace process at the negotiating table never resulted from a stalemate on the battlefield, as much as ripeness theorists would suggest. A true peace agreement however, is possible when the parties to it build sufficient confidence between themselves through interactions at the negotiating table, when there is powerful internal and external pressures for the conflict to be resolved and when the parties involved begin to 'own' the process. Thus the peace negotiations between the Sudanese government and the SPLM/A occurred when Washington, London and Oslo took a decision to engage in the negotiations using a technique that Hilde has referred to as "the Americans Wave Sticks"<sup>561</sup> and perhaps more commonly known as the 'carrot and the stick' process. In 2001, in a letter to President Bush, Congressmen Donald Payne and Thomas Tancredo, had requested, alongside an investigation into slavery in Sudan, an investigation of twelve Sudanese officials allegedly involved in supporting terrorism including an attempt on the life of Egyptian President Hosni Mubarak in Addis Ababa in 1995. It was the threat of such an investigation that helped to encourage the Sudanese government to seek to placate the United States by starting the

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<sup>561</sup> Johnson, F. *Waging Peace*. pp.2-11

negotiation process.<sup>562</sup> They had also called, at the same time, for the Sudanese government to enter into negotiations with the SPLM/A. It was their initiative that focused American interest on the IGAD mechanism as the vehicle through those negotiations could occur.<sup>563</sup>

Within an interactive problem-solving framework, the ultimate goal of negotiation is to transform the relationship between the parties. Negotiations are designed not merely to produce a minimally acceptable political agreement but to provide the basis for peace, stability and a mutually enhancing relationship that would contribute to the welfare of both parties. As is well known, conflict is caused by and escalates to a considerable degree through unsatisfied needs, not only material needs but also socio-psychological concerns, such as security, identity, recognition, autonomy and justice. Parties in pursuance of their own security, identity or related needs and interests can undermine or threaten the security and identity of the 'other'.<sup>564</sup> Thus to resolve conflict and begin to build a new relationship requires an agreement that satisfies the fundamental points of disagreement of both parties and reassures them that their fundamental fears are no longer warranted.

The central strength of the CPA and the primary reason why it achieved its goal of ending the war lay in the fact that it could maintain the balance-of-power between the two parties because it had instituted two distinct armies for the two regions of the country and provided for popular choice as the ultimate factor

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<sup>562</sup> Sudanese First Vice President Ali Osman Taha, who served as the chief Sudanese negotiator, was on this list.

<sup>563</sup> Skinner, B. (2013), *A crime so monstrous*. Random House New York

<sup>564</sup> Kelman, H. C. (1996). Negotiation as interactive problem solving. *International Negotiation*, 1(1), pp.99-123.



deciding the future structures of Sudan. This reflects the political opportunity model of conflict resolution that places state capacity at the heart of the resolution process. It suggests that any decision to rebel must take into account the government's capacity for repression and accommodation, such that, if the state is capable of repression, then the likelihood of failure will be higher and rebellion will be less likely, whereas if the state is capable of accommodating grievances via institutionalized channels providing for facilities such as the redistribution of wealth, the granting of rights of autonomy or the incorporation of dissident movements. When such a situation occurs, the motivation for violent rebellion will be lessened and conflict will be less likely.<sup>565</sup>

Looking at the CPA, a number of lessons can be learned that can assist future peace processes, including:

- 1) Providing warring parties with ample time to find a negotiated settlement;
- 2) Ensuring continuous engagement to allow the parties to address issues systematically;
- 3) Establishing a mechanism for international pressure from 'respected countries' that have an ability to influence proceedings;
- 4) Involving respected countries in the implementation of agreements reached;
- 5) Creating a forum for decision-makers to engage in direct negotiations; and
- 6) Mobilising resources to assist the peace process.

The CPA process enjoyed major international diplomatic support – something

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<sup>565</sup> Hendrix, C. S. (2010). "Measuring state capacity: Theoretical and empirical implications for the study of civil conflict." *Journal of Peace Research*, 47(3), pp.273-285

that had been absent during the AAA in 1972. International diplomatic support emphasized the principle of a win-win situation for both parties. In order to achieve this end state, state and non-state actors transformed the dispute by communicating information, proposing new solutions, and directly influencing the crisis using an incentivized approach that helped to generate movement towards potentially overlapping bargaining positions.<sup>566</sup> Critically, this support originated from ‘respected countries’, that were able to exert considerable international pressure, be it diplomatic, economic or political, when necessary, in order to persuade the warring parties to find a peaceful solution to the Second Sudanese Civil War. It was these countries that often bankrolled the various engagements and negotiations between the warring parties.

As this thesis has demonstrated, the failure of the 1972 AAA was an important factor in the negotiation of the CPA in 2005 for, as one of the key players in the CPA, Hilda Johnson, put it, “the SPLM/A’s redlines in the protracted negotiations were largely results of perceived shortcomings of the 1972 Addis Ababa arrangements and the way in which those had not been implemented.”<sup>567</sup> The AAA did achieve a state of regional autonomy that lasted from 1972 to 1983 for South Sudan within a united country. However, it was ultimately violated because of the powerlessness of the south in the areas of security, diplomatic relations, central decision-making and economic wealth control. Despite the fact that the AAA granted the southern region semi-autonomy, the central government interfered in its internal political affairs, and ultimately abrogated the terms of the

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<sup>566</sup> Bohmelt, T. (2010). “The effectiveness of tracks of diplomacy strategies in third-party interventions.” *Journal of Peace Research*, 47(2), pp.167-178

<sup>567</sup> Johnson. *Waging Peace*. p.13

AAA.

There were potential problems with the implementation of the CPA, although it was a far better structured agreement than the AAA. One of these emerged with the unexpected death of the South Sudanese leader, John Garang de Mabior, for, as Alaak Garang, who was a part of the negotiating team noted: “the CPA was designed as if it were going to be personally implemented by Dr John Garang.”<sup>568</sup> As a result, with his demise, the CPA could very easily have collapsed. The fact that it did not was a testament to the complexity of its implantation matrix, a feature that the AAA had lacked.<sup>569</sup> The significance that the SPLM/A placed on the implementation matrix led to the movement spending nearly a year negotiating the implementation matrix alone.<sup>570</sup> Furthermore, one cannot downplay the significance of the post-CPA support that the Transitional Government of National Unity received from the international community, which helped to guide both parties between 2005 and the declaration of South Sudanese independence in 2011. The establishment of the United Nations Mission in the Sudan (UNMIS) by the UN Security Council under Resolution Number 1590 on the 24<sup>th</sup> of March 2005 was in direct response to the signing of the CPA on the 9<sup>th</sup> of January that same year. Ultimately UNMIS was to play an important role in helping the Transitional Government of National Unity implement the 2005 peace agreement.

The SPLM/A also showed a degree of flexibility in adjusting its objectives to

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<sup>568</sup> Garang, G. A. (2013) Interviewed by Malauul Ayom Dor, South Sudan, 12 June

<sup>569</sup> Garang, G. A. (2013) Interviewed by Malauul Ayom Dor, South Sudan, 12 June

<sup>570</sup> Ofuho, C. H. (2013) Interviewed by Malual Ayom Dor, South Sudan, 18 June

realistic and realizable outcomes, in ways that Anyanya had been unable to do. While it had fought the war under the banner of liberating the whole of the Sudan, it did not maintain this agenda at the negotiating table for the good reason that the government in Khartoum had never acknowledged it as a national movement. Instead it treated the SPLM/A as a regional movement fighting for the interests of the South alone. The SPLM/A then tried to negotiate on behalf of all the regions of Sudan in rebellion against the central government – Southern Sudan, Southern Kordofan, Southern Blue Nile, and the District of Abyei – but once it realized that this objective was also unobtainable, it further refined its strategy to obtain the right to self-determination for Southern Sudan and the District of Abyei. For the other two regions, the SPLM/A was able to negotiate an outcome, which it called ‘Popular Consultation’, which was included in the CPA. This provided for a civic education programme in the two regions before public opinion was sampled to inform negotiators from each region what their negotiating positions with the Sudanese government should be.<sup>571</sup> The flexibility that the SPLM/A demonstrated is well captured by Michael Makuei, who remarked:

“The CPA negotiating process demonstrated the SPLM/A’s flexibility as it adjusted its claims to represent all of Sudan down to a differentiated approach in which self-determination was established for South Sudan and for Abyei, to be determined by referendum after a six-year interim period, alongside the issue of ‘Popular Consultation’ for Southern Kordofan and Southern Blue Nile.”<sup>572</sup>

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<sup>571</sup> Gluck, J. (2010). Why Sudan’s popular consultation matters, Special Report, Washington DC: USIP. p.2

<sup>572</sup> Lueth, M. M. (2013) Interviewed by Malual Ayom Dor, South Sudan, 18 June

Negotiating a peaceful settlement to the Second Sudanese Civil War spanned almost two decades, with the first meaningful engagement between the Government of Sudan and the SPLM/A leading to the Koka Dam Declaration of 1986. The various engagements during this two-decade period helped to build confidence between the warring parties. The level of confidence that both parties built was bolstered in the latter period of the CPA negotiation-process, during which the Government of Sudan and the SPLM/A interacted at the level of its decision-makers. The high-level interaction between the Government of Sudan and the SPLM/A negated delays caused by the back and forth evident in previous negotiations between the two parties.

The issue of a referendum for Abyei almost caused the talks to collapse, necessitating an American intervention to save them. The SPLM/A's maturity and professionalism in the negotiating process was evident in its success, despite American fears, in the security arrangements that were adopted, with Khartoum conceding the 'two army' approach – in reality three separate forces, for there was to be a federal force with equal North-South representation as well as the two regional entities. In recent history, the Khartoum government has, however, not been prepared to repeat the concessions it made in the CPA, as the Darfurians, who have sought a similar agreement, have discovered – a further testament to the SPLM/A's success.

The basic reasons for the SPLM/A's success were not only its clear objectives and flexibility but also its technical competence. Three components, which were lacking in the AAA and which were successfully addressed in the CPA,

comprised knowledge of the opposing camp, expertise over disputed issues and clarity in the viability of the objectives sought. By comparison, in the AAA negotiations, no professional expertise, not even legal advice, was available to the Southern delegation whilst Southerners were represented on both sides of the negotiating table, thus obscuring the process itself as the objectives of both sides were never clearly demarcated. Furthermore, the Anyanya representatives did not have personal knowledge of their counterparts representing the Sudanese government. And, perhaps worst of all, the negotiating process was rushed and no meaningful internal or external pressure was applied to ensure the desired outcome. As Hilde Johnson noted, pressure on Dr Garang from key members of his delegation was significant.<sup>573</sup> These were all factors that were present in the CPA.

On the whole, the CPA had a different intellectual and political approach from previous negotiating efforts undertaken by Southern opponents of the Sudanese government over the years after Independence. The Agreement revolved around the New Sudan vision of the SPLM/A, which aimed at transforming the centre of the state to solve the fundamental problem of Sudan as a complex, heterogeneous state entity. The CPA turned out to be a highly detailed and complex agreement, involving both power sharing and a territorial solution based on a tight implementation matrix and on the Western liberal peace-building model, seeking peace through democratic governance, the dominant approach after the end of the Cold War. Nonetheless it was ultimately a Sudanese agreement, reflecting the positions and expectations of the parties to it and control of its implementation

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<sup>573</sup> Johnson. *Waging Peace*. p.13

has, therefore, remained with them.<sup>574</sup>

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<sup>574</sup> Woodward, P. (2006). Peacemaking in Sudan, in. Ending Africa's Wars. Progressing to Peace, Aldershot: Ashgate. pp.167-178

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Political High Command, SPLM member of Political Bureau and Minister of Defense and Veterans Affairs and former Governor of Jonglei State, in Juba South Sudan on 31 August 2015, a member of delegation to the CPA peace talks

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Interview with Mr. Michael Makuei Lueth, Minister of Information and Broadcasting, former Minister of Justice, former Minister of Parliamentary Affairs, in Juba South Sudan on 18 June 2013, and a member of delegation to the CPA peace talks

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Interview with Lt. Gen. Augustino Jaddala Clement Wani, Deputy Minister of Interior and former SPLA Director of Finance, and a member of delegation to the CPA peace talks in Juba South Sudan on 23 February 2013

Interview with Mr. Pagan Amum Okich, SPLM Secretary General, Former Minister of Peace and Reconciliation, member of the SPLM Polit-Bureau, and a member of the delegation to the CPA talks in Juba on 12 June 2013

Interview with Mr. Deng Alor Kuol, former minister of Foreign Affairs, Minister of Cabinet Affairs, Member of the SPLM Polit-Bureau and Member of the delegation to the CPA talks in Juba South Sudan on 4 July 2013

Interview with Mr. Kosti Manibe, member of the SPLM Polit-Bureau, former Minister of Finance and Economic Planning, Minister of Humanitarian Affairs and member of the delegation to the CPA peace talks in Juba South Sudan on 2 July 2013

Interview with Mr. Daniel Deng Athrobei, Minister of Finance, former minister of Labour and Human Resource development, former Minister of Dams, Water and Electricity in Juba South Sudan on 4 July 2013

Interview with Lt. Gen. Bior Ajang Duot, former Under Secretary Minsitry of Defense, and Ambassador in the Ministry of Foreign Affairs and International Cooperation, a member of delegation to the CPA peace talks in Juba South Sudan on 10 July 2013

## Annex

### Annex 1: Abyei Protocol

**PROTOCOL**

**Between**

**THE GOVERNMENT OF THE SUDAN (GOS)**

**And**

**THE SUDAN PEOPLE'S LIBERATION  
MOVEMENT/ARMY (SPLM/A)**

**On**

**THE RESOLUTION OF ABYEI CONFLICT**

*Naivasha, Kenya May 26<sup>th</sup>, 2004*

PRINCIPLES OF AGREEMENT ON ABYEI

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This is the full text of the proposal entitled "Principles of Agreement on Abyei," presented by US  
Special Envoy Senator John Danforth to H.E. First Vice President Ali Osman Mohamed Taha

and SPLM/A Chairman Dr. John Garang on the 19<sup>th</sup> March, 2004. The Parties hereby declare to adopt these Principles as the basis for the resolution of Abyei Conflict.



#### In General

Abyei is a bridge between the north and the south, linking the people of Sudan;

The territory is defined as the area of the nine Ngok Dinka chiefdoms transferred to Kordofan in 1905;

The Misseriya and other nomadic peoples retain their traditional rights to graze cattle and move across the territory of Abyei.

#### Interim Period:

Upon signing the peace agreement, Abyei will be accorded special administrative status, in which:

Residents of Abyei will be citizens of both Western Kordofan and Bahr el Ghazal, with representation in the legislatures of both states;

Abyei will be administered by a local Executive Council, elected by the residents of Abyei. Pending the election of the Executive Council, its initial members will be appointed by the Presidency;

Net oil revenues from Abyei will be divided six ways during the Interim Period: the National Government (50 percent); the Government of Southern Sudan (42 percent); Bahr el Ghazal region (2 percent); Western Kordofan (2 percent); locally with the Ngok Dinka (2 percent); and locally with the Misseriya people (2 percent);

The National Government will provide Abyei with assistance to improve the lives of the peoples of Abyei, including urbanization and development projects;

International monitors will be deployed to Abyei to ensure full implementation of these agreements.

#### End of Interim Period:

Simultaneously with the referendum for southern Sudan, the residents of Abyei will cast a separate ballot. The proposition

voted on in the separate ballot will present the residents of Abyei with the following choices, irrespective of the results of the southern referendum:

That Abyei retain its special administrative status in the north;  
That Abyei be part of Bahr el Ghazal.

The January 1, 1956 line between north and south will be inviolate, except as agreed above.

## ADMINISTRATIVE STRUCTURE:

Upon signing the Peace Agreement, Abyei Area shall be accorded special administrative status under the institution of the Presidency.

Abyei area shall be administered by a local Executive Council, elected by the residents of Abyei. Pending the election of the Executive Council, its initial members shall be appointed by the Presidency.

The administration of the Abyei Area shall be representative and inclusive of all the residents of the area.

The Executive Council shall be composed of the Chief Administrator, his/her Deputy and not more than five heads of departments. Prior to elections, the Chief Administrator and his/her Deputy shall be appointed by the Presidency. The Chief Administrator shall make recommendations to the Presidency regarding the appointments of the heads of departments.

The Executive Council, in exercise of its executive powers, shall:

render necessary services;  
supervise and promote security and stability in the area;

Propose development and urbanization projects for the area to both the Abyei Area Council and to the Presidency;  
Present to the National Government proposals regarding the provision of assistance to improve the lives of the peoples of Abyei, including urbanization and development;

The Presidency, upon the recommendation of the Executive Council, shall determine the executive, legislative and financial powers and competencies of the special status of Abyei Area, having regard to this protocol, other protocols, agreements, and the Comprehensive Peace Agreement.

In view of the special status of Abyei Area, the Presidency shall apply to the Judiciary to establish courts for Abyei Area as deemed appropriate.

## FINANCIAL RESOURCES:

Without prejudice to the provisions of the Wealth Sharing Agreement, the net-oil revenue from the oil produced in Abyei Area shall be shared during the Interim Period as follows:

Fifty Percent (50%) to the National Government;  
Forty Two Percent (42%) to the Government of Southern Sudan;  
Two Percent (2%) to Bahr el Ghazal Region;  
Two Percent (2%) to Western Kordofan;  
Two Percent (2%) locally with the Ngok Dinka;  
Two Percent (2%) locally with the Misseriya people.

In addition to the above financial, resources , Abyei Area shall be entitled to:

The area share of the national revenue as per the Wealth Sharing Agreement;  
The revenues raised in the Abyei Area from Income Tax and other taxes and levies;  
The share of the Area in the National Reconstruction and Development Fund;  
An equitable share of Southern Sudan Development and Reconstruction Fund;

Allocations from the National Government to cover the cost of establishment of the new administration, its running and provision of services;  
Donations and grants.

There shall be established, under the Executive Council, Abyei Resettlement, Construction and Development Fund to handle relief, repatriation, resettlement, reintegration, rehabilitation and reconstruction programmes in the Area. The Fund may establish specialized agencies.

The National Government shall appeal to the international and donor community to facilitate the return and resettlement of the residents of Abyei Area.

The financial resources due to Abyei Area as provided in section 3 herein shall be deposited in special accounts, acceptable to the Presidency, from which the administration of the Area shall make withdrawals.

## **PUBLIC PARTICIPATION:**

There shall be established Abyei Area Council comprised of not more than twenty members.

Prior to elections, the Presidency shall appoint the members of the Abyei Area Council.

The Abyei Area Council shall:

Issue local enactments within the powers of local government and on customary matters;

Approve the budget of the Area;

Adopt reconstruction, development and urbanization plans for the Area;

If necessary, recommend to the Presidency the relief of the Chief Administrator or his/her Deputy;

Participate in the promotion of reconciliation efforts in the Area.

## **DETERMINATION OF GEOGRAPHIC BOUNDARIES:**

There shall be established by the Presidency, Abyei Boundaries Commission (ABC) to define and demarcate the area of the nine Ngok Dinka Chiefdoms transferred to Kordofan in 1905, referred to herein as Abyei Area.

The composition and timeframe of the Abyei Boundaries Commission (ABC) shall be determined by the Presidency. However, the Commission shall include, *inter alia*, experts, representatives of the local communities and the local administration. The Commission shall finish its work within the first two years of the Interim Period.

The Abyei Boundaries Commission (ABC) shall present its final report to the Presidency as soon as it is ready. Upon presentation of the final report, the Presidency shall take necessary action to put the special administrative status of Abyei Area into immediate effect.

## RESIDENTS OF THE AREA:

The residents of Abyei Area shall be:

The Members of Ngok Dinka community and other Sudanese residing in the area;

The criteria of residence shall be worked out by the Abyei Referendum Commission.

Residents of Abyei shall be citizens of both Western Kordofan and Bahr el Ghazal with representation in the legislatures of both States as determined by the National Electoral Commission. However, prior to elections, the Presidency shall determine such representation.

## SECURITY ARRANGEMENTS:

There shall be established Abyei Area Security Committee, chaired by the Chief Administrator, and shall comprise of the Deputy Chief Administrator, the Army Commander, the Police Chief, and the representative of the Security Organ.

Without prejudice to the Agreement on Security Arrangements,

the two Parties shall, through the Interim Period form and deploy one joint battalion in the Area.

International monitors, as shall be agreed in the comprehensive Cease-fire Agreement shall also be deployed in the Area through the Interim Period.

International monitors shall be deployed to Abyei to ensure full implementation of these Agreements.

## ABYEI REFERENDUM COMMISSION

There shall be established by the Presidency an Abyei Referendum Commission to conduct Abyei referendum simultaneously with the referendum of Southern Sudan. The composition of the Commission shall be determined by the Presidency.

The residents of Abyei shall cast a separate ballot. The proposition voted on in the separate ballot shall present residents of Abyei with the following choices; irrespective of the results of the Southern referendum:

That Abyei retain its special administrative status in the north;  
That Abyei be part of Bahr el Ghazal.

The January 1, 1956 line between north and south shall be inviolate, except as agreed above.

## RECONCILIATION PROCESS

Upon signing the Comprehensive Peace Agreement, the Presidency shall, as a matter of urgency, start peace and reconciliation process for Abyei that shall work for harmony and peaceful co-existence in the Area.

Posted by USIP Library on: June 30, 2004

Source Name: Sudan Ministry of Foreign Affairs web site Source URL:  
<http://www.sudanmfa.com/PROTOCOL.doc> Date downloaded: June 16, 2004

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## Annex 2: Addis Ababa Agreement



## THE ADDIS ABABA AGREEMENT ON THE PROBLEM OF SOUTH SUDAN

### Draft Organic Law to organise Regional Self-Government in the Southern provinces of the Democratic Republic of the Sudan

In accordance with the provisions of the Constitution of the Democratic Republic of the Sudan and in realization of the memorable May Revolution Declaration of June 9, 1969, granting the Southern Provinces of the Sudan Regional Self-Government within a united socialist Sudan, and in accordance with the principle of the May Revolution that the Sudanese people participate actively in and supervise the decentralized system of the government of their country, it is hereunder enacted:

#### Article 1.

This law shall be called the law for Regional Self-Government in the Southern Provinces. It shall come into force and a date within a period not exceeding thirty days from the date of Addis Ababa Agreement.

#### Article 2.

This law shall be issued as an organic law which cannot be amended except by a three- quarters majority of the People's National Assembly and confirmed by a two-thirds majority in a referendum held in the three Southern Provinces of the Sudan.

#### Article 3.

##### CHAPTER I: DEFINITIONS

'Constitution' refers to the Republican Order No. 5 or any other basic law replacing or amending it.

'President' means the president of the Democratic Republic of the Sudan.

'Southern Provinces of the Sudan' means the Provinces of Bahr El Ghazal, Equatoria and Upper Nile in accordance with their boundaries as they stood January 1, 1956, and other areas that were culturally and geographically a part of the Southern Complex as may be decided by a referendum.

'People's Regional Assembly' refers to the legislative body for the Southern Region of the Sudan.

'High Executive Council' refers to the Executive council appointed by the President on the recommendation of the President of the High Executive Council and such body shall supervise the administration and direct public affairs in the Southern Region of the Sudan.

'President of the High Executive Council' refers the person appointed by the President on the recommendation of the People's Regional Assembly to lead and supervise the executive organs responsible for the administration of the Southern Provinces.

‘People’s National Assembly’ refer to the National Legislative Assembly representing the people of the Sudan in accordance with the constitution.

‘Sudanese’ refers to any Sudanese citizens as defined by the Sudanese Nationality Act 1957 and any amendment thereof.

## CHAPTER II

Article 4. The Provinces of Bahr El Ghazal, Equatoria and Upper Nile as defined in Article 3. (iii) shall constitute a self-governing Region within the Democratic Republic of the Sudan and be known as the Southern Region.

Article 5. The Southern Region shall have legislative and executive organs, the functions and power of which are defined by this law.

Article 6. Arabic shall be official language for the Sudan and English the principle language for the Southern Region without prejudice to the use of any language or languages, which may serve a practical necessity for the efficient and expeditious discharge of executive and administrative functions of the Region.

## CHAPTER III

Article 7. Neither the People’s Regional Assembly nor the High Executive Council shall legislate or exercise any powers on matters of national nature which are:

National Defense External Affairs Currency and Coinage

Air and Inter-Regional Transport Communications and Telecommunications

Customs and Foreign Trade except for border trade and certain commodities, which the Regional Government may specify with the approval of the Central Government.

Nationality and Immigration (Emigration) Planning for Economic and Social Development

Educational Planning

Public-Audit.

## CHAPTER IV

Article 8. Regional Legislation in the Southern Region is exercised by a People’s Regional Assembly elected by Sudanese Citizens resident in the Southern Region. The constitution and condition of membership of the Assembly shall be determined by law.

Article 9. Members of the People’s Regional Assembly shall be elected by direct secret ballot.

Article 10.

For the First Assembly the President may appoint additional members to the People’s Regional Assembly where conditions for elections are not conducive

to such elections as stipulated in Article 9, provided that such appointed members shall not exceed one-quarter of the Assembly.

The People's Regional Assembly shall regulate the conduct of its business in accordance with rules of procedures to be laid down by the said Assembly during its first sitting.

The People's Regional Assembly shall elect one of its members as a speaker, provided that the first sitting shall be presided over by the Interim President of the High Executive Council.

Article 11. The People's Regional Assembly shall legislate for the preservation of public order, interim security, efficient administration and the development of the Southern Region in cultural, economic and social fields and in particular in the following:

Promotion and utilization of Regional financial resources for the development and administration of the Southern Region.

Organisation of the machinery for Regional and Local Administration. Legislation on traditional law and custom within the framework of National Law.

Establishment, maintenance and administration of prisons and reformatory institutions.

Establishment, maintenance and administration of Public Schools at all levels in accordance with National Plans for education and economic and social development.

Promotion of local languages and cultures. Town and village planning and the construction of roads in accordance with National Plans and programs

Promotion of trade; establishment of local industries and markets; issue of traders' licenses and formation of co-operation societies.

Establishment, maintenance and administration of public hospitals.

Administration of environmental health services; maternity care; child welfare; supervision of markets; combat of epidemic diseases; training of medical assistants and rural midwives; establishment of health centers, dispensaries and dressing stations.

Promotion of animal health; control of epidemics and improvement of animal production and trade.

Promotion of tourism.

Establishment of zoological gardens, museums, organisations of trade and

cultural exhibitions.

Mining and quarrying without prejudice to the right of the Central Government in the event of the discovery of natural gas and minerals.

Recruitment for, organisation and administration of Police and Prison services in accordance with the national policy and standards.

Land use in accordance with national laws.

Control and prevention of pests and plant diseases.

Development, utilization, and protection of forests crops and pastures in accordance with national laws.

Promotion and encouragement of self-help programmes.

All other matters delegated by the President or the People's National Assembly for legislation.

Article 12. The People's National Assembly may call for facts and information concerning the conduct of administration in the Southern Region.

Article 13.

The People's Regional Assembly may, by a three-quarters majority and for specified reasons relating to public interest, request the President to relieve the President or any member of the High Executive Council from office. The President shall accede to such request. In case of vacancy, relief or resignation of the President of the High Executive Council, the entire body shall be considered as having automatically resigned.

Article 14.

The People's Regional Assembly may, by a two-thirds majority, request the President to postpone the coming into force of any law which, in the view of the members, adversely affects the welfare and interests of the citizens of the Southern Region. The President may, if he thinks fit, accede to such request.

Article 15.

The People's Regional Assembly may, by a majority of its members, request the President to withdraw any Bill presented to the People's National Assembly which in their view affects adversely the welfare, rights or interests of the citizens in the Southern Region, pending communication of the views of the People's Regional Assembly. If the President accedes to such request, the People's Regional Assembly shall present its views within 15 days from the date accession to the request. The President accedes to such request, The People's Regional Assembly together with his own observation if he deems necessary.

Article 16.

The People's National Assembly shall communicate all Bills and Acts of the People's Regional Assembly for their information. The People's Regional Assembly shall act similarly.

## CHAPTER V: THE EXECUTIVE

Article 17.

The Regional Executive Authority is vested in a High Executive Council which acts on behalf of the President.

Article 18.

The High Executive Council shall specify the duties of the various departments in the Southern Region provided that on matters relating to Central Government Agencies it shall act with approval of the President.

Article 19.

The President of the High Executive council shall be appointed and relieved of office by the President on the recommendation of the People's Regional Assembly.

Article 20.

The High Executive Council shall be composed of members appointed and relieved of office by the President on the recommendation of the President of the High Executive Council

Article 21.

The President of the High Executive Council and its members are responsible to the President and to the People's Regional Assembly for efficient administration in the Southern Region. They shall take an oath of office before the President.

Article 22.

The President and members of the High Executive Council may attend meetings of the People's Regional Assembly and participate in its deliberations without the right of vote, unless they are also members of the People's Regional Assembly.

## CHAPTER VI

Article 23.

The president shall from time to time regulate the relationship between the high Executive Council and the central ministries.

Article 24.

The High Executive Council may initiate laws for the creation of a Regional Public Service. These laws shall specify the terms and conditions of service for the Regional Public Service.

CHAPTER VII: FINANCE

Article 25.

The People's Regional Assembly may levy Regional duties and taxes in addition to National and Local duties and taxes. It may issue legislation and orders to guarantee the collection of all public monies at different levels. (One) The source of revenue of the Southern Region shall consist of the following:-

Direct and indirect regional taxes.

Contribution from People's Local Government Councils

Revenue from commercial, industrial and agricultural projects in the Region in accordance with the National Plan.

Funds from the National Treasury for established services.

Funds voted by the people's National Assembly in accordance with the requirements of the Region.

The Special Development Budget for the South as presented by the People's Regional Assembly for the acceleration of economic and social advancement of the Southern Region as envisaged in the declaration of June 9, 1968.

CHAPTER VIII: OTHER PROVISIONS

Article 26.

Citizens of the Southern Region shall constitute a sizeable proportion of the People's Armed Forces in such reasonable numbers as will correspond to the population of the region. The use of the People's Armed Forces within the Region and outside the framework of national defense shall be controlled by the President of the advice of the President of the High Executive Council

Temporary arrangements for the composition of units of the People's Armed Forces in the Southern Region are provided for in the Protocol on Interim Arrangements.

Article 27.

The President may veto any Bill which he deems contrary to the Provisions of the National Constitution provided the People's Regional Assembly, after receiving the President's views, may reintroduce the Bill.

Article 28.

The President and members of the High Executive Council may initiate laws in the People's Regional Assembly.

Article 29.

Any member of the People's Regional Assembly may initiate any law provided that financial Bills shall not be presented without sufficient notice to the President of the High Executive Council.

Article 30.

The People's Regional Assembly shall strive to consolidate the unity of the Sudan and respect the spirit of the National Constitution.

Article 31.

All citizens are guaranteed freedom of movement in and out of the Southern Region, provided restriction or prohibition of movement may be imposed on a named citizen solely on grounds of public health and order.

Article 32.

a) All citizens resident in the Southern Region are guaranteed equal opportunity of education, employment, commerce and the practice of any profession. No law adversely affect the rights of citizens enumerated in the previous item on the basis of race, tribal origin, religion, place of birth, or sex.

Article 33.

Juba shall be the Capital of the Southern Region and the seat of the Regional Executive and Legislature.

#### APPENDIX A: FUNDAMENTAL RIGHTS AND FREEDOMS

The following should be guaranteed by the Constitution of the Democratic Republic of the Sudan.

A citizen should not be deprived of his citizenship Equality of citizens.

All citizens, without distinction based on race, national origin, birth, language, sex, economic or social status, should have equal rights and duties before the law. All persons should be equal before the courts of law and should have the rights to institute legal proceedings in order to remove any injustice or declare any right in an open court without delay prejudicing their interest. Personal liberty.

b) Penal liability should be personal. Any kind of collective punishment should be prohibited. The accused should be presumed innocent until proved guilty. Retrospective penal legislation and punishment should be prohibited. The right of the accused to defend himself personally or through an agent should be guaranteed. No person should be arrested, detained or imprisoned except in accordance with the due process of law, and no person should remain in custody or detention for more than twenty-four hours without judicial order. No accused person should be subjected to inducement, intimidation or torture in order to extract evidence from him whether in his favor or against him or against any other person, and no humiliating punishment should be inflicted on any convicted person.

Freedom of Religion and Conscience. Every person should enjoy freedom of religious opinion and of conscience and the right to profess them publicly and privately and

to establish religious institutions subject to reasonable limitations in favor of morality, health or public order as prescribed by law. Parents and Guardians should be guaranteed the right to educate their children and those under their care in accordance with the relation of their choice.

Protection of Labor.

Forced and compulsory labor of any kind should be prohibited except when ordered for military or civil necessity or pursuant to penal punishment prescribed by law.

The right to equal pay for equal work should be guaranteed.

Freedom of minority to use their languages and develop their culture should be guaranteed.

#### APPENDIX B: DRAFT ORDINANCE ON ITEMS OR REVENUE AND GRANTS- IN-AID FOR THE SOUTHERN REGION

Profits accruing to the Central Government as a result of exporting products of the Southern Region. Business Profit Tax of the Southern Region that are at present in the Central list of the Ministry of Treasury. Excise Duties on alcoholic beverages and spirits consumed in the Southern Region. Profits on sugar consumed in Southern Region. Royalties of forest products of the Southern Region. Royalties on leaf Tobacco and Cigarettes. Taxation on property other than that provided in the Rates Ordinance. Taxes and Rates on Central and Local Government Projects (5 percent of net profits of factories, co-operative societies, agricultural enterprises and cinemas). Revenue accruing from Central Government activities in the Southern Region provided the Region shall bear maintenance expenses e.g., Post Office revenue, land sales, sale of forms and documents, stamp duties and any other item to be specified from time to time. Licenses other than those provided for in the People's Local Government Act, 1971. Special Development Tax to be paid by Residents in the Southern Region the rate of which should be decided by the People's Regional Assembly. Income Tax collected from officials and employees serving in the Southern Region both in the local and national civil services as well as in the Army, Police and Prisons, Judiciary, and Political Establishment. Corporation Tax on any factory and/or agricultural project established in the Region but not run by the Regional Government (5 percent of the initial cost). Contribution from the Central Government for the encouragement of construction and development; for every agricultural project, industrial project and trading enterprise (20 percent of the initial cost as assessed by the Central Government). New Social Service Projects to be established by the Region or any of its Local Government units, and for which funds are allocated, shall receive grants from the National Treasury in the following manner: Education institution, 20 percent of expenses. Trunk and through Roads and Bridges, 25 percent of expenses. Relief and Social amenities, 15 percent of expenses. Tourist attraction projects 25 percent of expenses. Security, 15 percent of expenses. Grants for Post Secondary and University education within the Sudan, 20 percent of grants, outside the Sudan 30 percent of grants. Contribution for Research, Scientific Advancement, and Cultural Activities, 25 percent of expenses.

#### AGREEMENT OF THE CEASE-FIRE IN THE SOUTHERN REGION

Article 1. This Agreement shall come into force on the date and time specified for



the ratification of the Addis Ababa Agreement.

Article 2. There will be an end to all military operations and to all armed actions in the Southern Region from the time of cease-fire.

Article 3. All combat forces shall remain in the area under their control at the time of the cease-fire.

Article 4. Both parties agree to forbid any individual or collective acts of violence. Any underground activities contrary to public order shall cease.

Article 5. Movements of individual members of both combat forces outside the areas under their control shall be allowed only if these individuals are unarmed and authorized by their respective authorities. The plans for stationing troops from the National Army shall be such as to avoid any contact between them and the Southern Sudan Liberation Movement combat forces.

Article 6. A joint Commission is hereby created for the implementation of all questions related to the cease-fire including repatriation of refugees. The Joint Commission shall include members from all the countries bordering on the Southern Region as well as representatives of the International Committee of the Red Cross, World Council of Churches, all Africa Conference of Churches and United Nations High Commissioner for Refugees.

Article 7. The joint Commission shall propose all measures to be undertaken by both parties in dealing with all incidents after a full inquiry on the spot.

Article 8. Each party shall be represented on the Joint Commission by one senior military officer and maximum of five other members.

Article 9. The headquarters of the Joint Commission shall be located in Juba with provincial branches in Juba, Malakal and Wau.

Article 10. The Joint Commission shall appoint local commission in various centers of the Southern Region composed of two members from each party.

**PROTOCOLS ON INTERIM ARRANGEMENTS CHAPTER 1: INTERIM  
ADMINISTRATIVE ARRANGEMENTS**  
(Political, Local Government and Civil Service)

Article 1. The President of the Democratic Republic of Sudan shall, in consultation with the Southern Sudan Liberation Movement (S.S.L.M) and branches of the Sudanese Socialist Union in the Southern Region, appoint the president and members of an Interim High Executive Council.

Article 2. The Interim High Executive Council shall consist of the President and other members with portfolios in:

1 Finance and Economic Planning. 2 Education  
3 Information, Culture and Tourism 4 Communication and Transport  
5 Agriculture, Animal Production and Fisheries. 6 Public Health.  
7 Regional Administration (Local Government, Legal Affairs, Police and Prisons). 8  
Housing, Public Works and Utilities  
Natural Resources and Rural Development (Land Use, Rural Water Supply,  
Forestry and Cooperatives).  
Public Service and Labor  
Minerals and Industry, Trade and Supply.

Article 3. The interim High Executive Council shall, in accordance with national laws, establish a Regional Civil Service subject to ratification by the People's Regional Assembly.

Article 4. The President shall, in consultation with the Interim High Executive Council determine the date for the election to the People's Regional Assembly, and the Interim High Executive Council shall make arrangements for the setting up of this Assembly.

Article 5. In order to facilitate the placement in and appointment to both central and regional institutions, the Southern Sudan Liberation Movement shall compile and communicate lists of citizens of the Southern Region outside of the Sudan in accordance with details to be supplied by the Ministry of Public Service and Administrative Reform.

Article 6. The Interim High Executive Council and the Ministry of Public Service and Administrative Reform shall undertake to provide necessary financial allocations with effect from the 192\72-73 Budget for such placements and appointments.

Article 7. The Mandate of the Interim High Executive Council shall not exceed a period of 18 months.

**CHAPTER II: TEMPORARY ARRANGEMENTS FOR THE COMPOSITION OF  
UNITS OF THE PEOPLE'S ARMED FORCES IN THE SOUTHERN REGION.**

Article 1. These arrangements shall remain in force for a period of five years

subject to revision by the President of the request of the President of the High Executive Council acting with the consent of the People's Regional Assembly.

Article 2. The People's Armed Forces in the Southern Region shall consist of a national force called the Southern Command composed of 12,000 officers and men of whom 6,000 shall be citizens from the Region and the other 6,000 from outside the Region.

Article 3. The recruitment and integration of citizens from the Southern Region within the aforementioned Forces shall be determined by a Joint Military Commission taking into account the need for initial separate deployment of troops with a view to achieve smooth integration in the national force. The commission shall ensure that this deployment shall be such that an atmosphere of peace and confidence shall prevail in the Southern Region.

Article 4. The joint Military Commission shall be composed of three senior military officers from each side. Decision of the Joint Military Commission shall be taken unanimously. In case of disagreement such matters shall be referred to the respective authorities.

### CHAPTER III: AMNESTY AND JUDICIAL ARRANGEMENTS

Article 1. No action or other legal proceedings whatsoever, civil or criminal, shall be instituted against any person in any court of law for or on account of any act or matter done inside or outside the Sudan as from the 18<sup>th</sup> day of August 1995, if such act or matter was done in connection with mutiny, rebellion or sedition in the Southern Region.

Article 2. If a civil suit in relation to any acts or matters referred to in Article 1 is instituted before or after the date of ratification of the Addis Ababa Agreement such a suit shall be discharged and made null and void.

Article 3. All persons serving terms of imprisonment or held in detention in respect of offences herein before specified in Article 1 shall be discharged or released within 15 days for the date of ratification of the Addis Ababa Agreement.

Article 4. The joint Cease-fire Commission shall keep a register of all civilian returnees, which register shall serve to certify that the person therein named are considered indemnified within the meaning of this Agreement provided that the commission may delegate such power to the Sudan in the case of citizens from the Southern Region living abroad and to whom the provisions of this Agreement apply.

Article 5. In the case of armed returnees or those belonging to combat forces the Joint Military Commission shall keep a similar register of those persons who shall be treated in the same manner as provided for in Article 4.

Article 6. Notwithstanding the provisions of Articles 4 and 5 above a Special Tribunal with ad hoc judicial powers shall be established to examine and decide on those cases which in the estimation of the authorities do not meet the conditions for amnesty specified in Article 1 of this Agreement. The Special Tribunal shall be composed of a President appointed by the President of the Republic and not more than four members named by the Cease-fire Commission.

Article 7. Cases referred to in Article 6 shall be brought to the attention of the Special Tribunal by request of the Minister of Justice.

Article 8. The Amnesty Provision contained in this Agreement as well as the powers of Special Tribunal shall remain in force until such time as the President after consultation with the commissions referred to in this

Article 9. Although resettlement and rehabilitation of refugees and displaced persons is administratively the responsibility of the Regional Government the present conditions in the Southern Region dictate that efforts of the whole nation of the Sudan and International organisations should be pooled to help and rehabilitate persons affected by the conflict. The Relief and Resettlement Commission shall co-ordinate activities and resources of the Organisation within the

country.

Article 10. The first priority shall be the resettlement of displaced persons within the Sudan in the following order:

Persons presently residing in overcrowded centers in the Southern Region, and persons desirous to return to their original areas and homes;

Persons returning from the bush including Anayanya Supporters; 3 Handicapped persons and orphans

Article 11. The second priority shall be given to returnees from the neighboring and other countries according to an agreed plan. This plan shall provide for:

Adequate reception centers with facilities for shelter, food supplies, medicine and medicaments;

Transportation to permanent resettlement villages or places of origin. 3 Materials and equipment.

Article 12. The Relief and Resettlement Commission shall:

Appeal to international organisations and voluntary agencies to continue assistance for students already under their support particularly for students in secondary schools and higher institutions until appropriate arrangements are made for their repartition;

Compile adequate information on students and persons in need of financial support from the Sudan Government.

Article 13. The Relief and Resettlement Commission shall arrange for the education of all returnees who were attending primary schools. This agreement is hereby concluded on this twenty-seventh day of the month of February in the year one thousand nine hundred and seventy two, A.D, in this city Addis Ababa, Ethiopia, between the Government of the Democratic Republic of the Sudan on the one hand and the Southern Sudan Liberation Movement on the other. It shall come into force on the date and hour fixed for its ratification by the President of the Democratic Republic of the Sudan and the Leader of the Southern Sudan Liberation Movement. It shall be ratified by the said by two Leaders in person or through their respective authorized Representatives, in this city, Addis Ababa Ethiopia, at the twelfth hour at noon, on the twelfth day of the month of March, in the year on thousand nine hundred and seventy two, A.D. In witness whereof, we the Representatives of the Government of the Democratic Republic of the Sudan and the Representatives of the Southern Sudan Liberation Movement hereby append our signatures in the presence of the Representative of His Imperial Majesty the Emperor of Ethiopia and the Representatives of the World Council of Churches, the All Africa Conference of Churches, and the Sudan Council of Churches.

FOR THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF THE SUDAN

Abel Alier-Wal Kuai, Vice President and Minister of State for Southern Affairs. Dr.

Mansour Khalid, Minister for foreign Affairs.  
Dr. Gaafar Mohammed Ali Bakheit, Minister for Local Government Major-General  
Mohammed Al Baghir Ahmed, Minister of Interior.  
Abel Rahman Abdalla, Minister of Public Service and Administrative Reform.  
Brigadier Mirghani Suleiman  
Colonel Kamal Abashar.

#### FOR THE SOUTHERN SUDAN LIBERATION MOVEMENT

Ezboni Mondiri Gwonga, Leader of the Delegation.  
Dr. Lawrence Wol Wol, Secretary of the Delegation. Mading deGarang,  
Spokesman of the Delegation.  
Colonel Frederick Brian Maggot, Special Military Representative. Oliver Batali  
Albino, Member.  
Anelo Voga Morjan, Member. Rev. Paul Puot, Member.  
Job Adier de Jok, Member.

#### Witnesses

Nabiyelul Kifle, Representative of His Imperial Majesty the Emperor of Ethiopia.  
Leopolda J. Niilus, Representative of the World Council of Churches.  
Kodwo E. Akrah, Representative of the World Council of Churches. Burgess Carr,  
General Secretary All Africa Council of Churches.  
Samuel Athi Bwogo, Representative of the Sudan Council of Churches.

#### Attestation

### Annex 3: Southern Kordofan State and Blue Nile State Protocol

**PROTOCOL**

**Between**

**THE GOVERNMENT OF SUDAN  
(GOS)**

**AND**

**THE SUDAN PEOPLE'S LIBERATION MOVEMENT  
(SPLM)**

**ON**

**THE RESOLUTION OF CONFLICT IN SOUTHERN  
KORDOFAN/NUBA MOUNTAINS AND BLUE NILE  
STATES**

*Naivasha, Kenya, 26<sup>TH</sup> May, 2004*

**PREAMBLE:-**

RECOGNIZING that the conclusion of the comprehensive peace settlement that the Sudanese people are longing for requires solving the problems in Southern



Kordofan/Nuba Mountains<sup>1</sup> and Blue Nile States as a model for solving problems throughout the country; and

REAFFIRMING that citizenship shall be the basis for equal rights and duties for all Sudanese citizens regardless of their ethnicity or religion; and

UNDERLINING the importance of recognizing the cultural and social diversity of the Sudan as a source of strength and unity; and

EMPHASIZING equality, fairness, economic development, social welfare and stability as overarching goals of the Sudanese people in general and the population of the conflict affected areas in particular;

NOW THEREFORE, the Parties hereby agree as follows:-

General Principles:

The Parties agree on the following, as the basis for political, administrative, economic and social solution to the conflict in Southern Kordofan/Nuba Mountains and Blue Nile:

Human rights and fundamental freedoms shall be guaranteed to all individuals in the State as prescribed in the Interim National Constitution;

The diverse cultural heritage and local languages of the population of the State shall be developed and protected;

Development of human resources and infrastructure shall be the main goal of the State. It shall be conducted to meet human needs in

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<sup>1</sup> The name of the State shall be settled before the conclusion of the Peace Agreement by a committee representing the State formed by the two Parties.  
accordance with the best-known practices of sustainable development within a transparent and accountable framework.

Definition of the Two Areas:

The boundaries of Southern Kordofan/Nuba Mountains State shall be the same boundaries of former Southern Kordofan Province when Greater

Kordofan was sub-divided into two provinces.

For the purpose of this Protocol, Blue Nile State shall be understood as referring to the presently existing Blue Nile State.

Popular Consultation:

The Government of Sudan and the Sudan People's Liberation Movement (the Parties), committed to reaching a just, fair and comprehensive peace agreement to end the war in Southern Kordofan/Nuba Mountains and Blue Nile States, agree on the following:-

Popular consultation is a democratic right and mechanism to ascertain the views of the people of Southern Kordofan/Nuba Mountains and Blue Nile States on the comprehensive agreement reached by the Government of Sudan and the Sudan People's Liberation Movement.

That this comprehensive agreement shall be subjected to the will of the people of the two States through their respective democratically elected legislatures.

That the legislatures of the two States shall each establish a Parliamentary Assessment and Evaluation Commission to assess and evaluate the implementation of the agreement in each State. The two Commissions shall submit their reports to the legislatures of the two States by the fourth year of the signing of the comprehensive Peace Agreement.

An independent Commission shall be established by the Presidency to assess and evaluate the implementation of the comprehensive Peace Agreement in each of the two States. The Commission shall submit its reports to the National Government and the Governments of the two States who shall use the reports to rectify any procedure that needs to be rectified to ensure faithful implementation of the Agreement.

Once this agreement is endorsed by the people through the legislature of any of the two States as meeting their aspirations, then the agreement becomes the final settlement of the political conflict in that State.

Should any of the legislatures of the two States, after reviewing the Agreement, decide to rectify, within the framework of the Agreement, any shortcomings in the constitutional, political and administrative arrangements of the Agreement, then such legislature shall engage in

negotiations with the National Government with the view of rectifying these shortcomings.

Structure of the State Government:

The State shall have the following structure:-

The State Executive, which shall comprise of:-

The State Governor;

The State Council of Ministers; and

Local Governments.

The State Legislature (SL).

The State Judiciary.

The State Executive:

The Governor of the State shall be directly elected by the registered voters of the State in a public adult suffrage.

The Governor shall appoint the ministers and the commissioners of the state in accordance with the State Interim Constitution. The State Council of Ministers shall be representative.

The Governor shall, together with the State Council of Ministers, exercise the Executive Powers of the State which shall be in respect of the functional areas listed in Schedules A and B, read together with Schedule C, attached hereto, and in accordance with the State Interim Constitution.

The State Council of Ministers shall be accountable to the Governor and the State Legislature in the performance of their duties.

The State shall have commissioners and elected local councils. The organisation and proper functioning of the Local Governments shall be the responsibility of the Government of the State.

There shall be State Security Committee to be chaired by the Governor of the State. The Committee shall include, among others, the Military Commander of the area, his Deputy, the Director of the State Police and

Director of the State National Security Branch.

Without prejudice to the provisions of paragraph 5.6 above, the Governor of the State may demand the transfer of the Director of the National Security Branch from the State.

The State Police Service shall adhere to the National standards and regulations as set forth by National Police Service.

Police, Prisons, Wildlife and Fire Brigade Officers shall be recruited by the State Service according to the National standards, trained and commissioned nationally and returned to the State for service. The other ranks shall be locally recruited to serve within the State. Recruitment and training regulations shall be designed and standardized by the National Police Service.

Without prejudice to the provisions of paragraph 5.9 above, the National Authority may agree with the State Authority to transfer any number of police officers from the State police to the National Police Service whenever necessary.

The State Authority may request the National Authority to transfer to the State any number of police officers to fill any vacancies in the State.

The State Legislature:

Members of the State Legislature (SL) shall be elected by the registered voters of the State in accordance with the State Law and in conformity with the general guidelines as set forth by electoral provisions as set forth by the National Electoral Commission.

The State Legislature shall prepare and adopt the State Constitution, provided that it shall conform to the Interim National Constitution.

The Governor of the State shall sign any law duly approved by the State Legislature, failing which, after thirty (30) days it shall be deemed to have been signed into law, unless the Governor has submitted the law to the Constitutional Court for a ruling on its constitutionality. If the Constitutional Court finds the law constitutional, the Governor shall immediately sign such law.

The State Legislature shall legislate for the state within its legislative powers as stipulated in schedule (A) attached herewith.

State laws currently applicable in the State shall continue until new legislation is duly enacted by the SL within its competence.

The State Legislature shall decide its own rules, procedures, and committees, and elect its Speaker and other officers.

The State Legislature may relieve the Governor of the State of his/her functions by a motion supported by two-thirds of its membership.

Members of the State Legislature and the State Executive shall have such immunities as are provided by law.

The State Courts:

The structures and powers of the courts of the States shall be subject to the Interim National Constitution.

The State Constitution shall provide for the establishment of such state courts as are necessary.

The State Legislature shall provide for the appointment and dismissal of state appointed judges, subject to the State Constitution and the approval of the National Judicial Service Commission.

The State legislations shall provide for guarantees for the independence and impartiality of the State judiciary and ensures that state judges shall not be subject to political or other interference.

The state courts shall have civil and criminal jurisdiction in respect of State and National Laws, save that a right of appeal shall lie to the National Courts in respect of matters brought before or heard under National laws.

The National Legislature shall determine the civil and criminal procedures to be followed in respect of litigation or prosecution under National laws in accordance with the Interim National Constitution.

The State Share in the National Wealth:

The National wealth shall be shared equitably between different levels of Government so as to allow enough resources for each level of

Government to exercise its constitutional competencies.

The States shall raise and collect taxes and revenues as listed in Schedule (D), annexed herewith.

Oil producing state is entitled to two percent (2%) of the oil produced in that state, as specified in the Wealth Sharing Agreement.

The state shall be represented in the Fiscal and Financial Allocation and Monitoring Commission, which shall ensure transparency and fairness in regard to allocation of the share due to the state from the Nationally collected revenues and ensure that allocations due to the state are not withheld.

The general objective of the National Reconstruction and Development Fund (NRDF) is to develop the war affected areas and least developed areas in the Sudan with the aim of bringing these areas to the national average standards and level of development.

In allocating the funds to the war-affected areas and least developed areas, NRDF shall use the effects of war and level of development as the main criteria. The Parties agree to allocate seventy-five percent (75%) of the total fund to the war-affected areas, particularly to Southern Kordofan/Nuba Mountains and Blue Nile States, while the remaining balance shall be earmarked to the least developed areas.

The allocation of funds among the areas affected shall be determined during the Pre-Interim Period by the Joint National Transition Team (JNTT) that shall be established as agreed to in the Wealth Sharing Agreement, within the agreed percentages as in the above paragraph, taking into consideration the actual needs based on the results of Joint Assessment Mission.

The Fiscal and Financial Allocation and Monitoring Commission (FFAMC), as agreed to in the Wealth Sharing Agreement, shall allocate current transfers to Southern Kordofan/Nuba Mountains, Blue Nile and other war-affected areas and least developed areas according to the following criteria:-

Population;

Minimum expenditure responsibilities;

Human Development Index / Social Indicators (social development factor);

Geographical area (cost disability factor);

Fiscal effort (internal revenue effort); and  
The effect of war factor.

In addition to the budgetary allocations and the two states' share in the NRDF, the President shall allocate an amount of money to each of the two states.

8.10 The Parties agree to appeal to the donor community to provide technical assistance to the FFAMC to develop comprehensive equalization criteria.

The states shall hold all income and revenue received in audited public accounts and shall comply with the regulations and auditing standards set by the Chamber of the Auditor General, who may audit the state's accounts.

There shall be no impediment to interstate commerce or the flow of goods and services, capital, or labour to and from the state.

Any debts/liabilities incurred by any level of government shall be the responsibility of that level of government.

There shall be a fair and equitable division of government assets. An asset shall in the first instance be allocated to the level of government responsible for the function in respect of which the asset is related (e.g., school buildings to the level of government responsible for education). In the event of a dispute, the Parties agree that such dispute shall be referred to a committee comprising a representative of each of the Parties involved in the dispute and a mutually agreed expert.

There shall be at the State's level accounting standards, procedures and fiscal accountability institutions operating in accordance with generally accepted accounting standards and procedures to ensure that funds are distributed according to the agreed Government budget and properly expended having regard to value for money.

State Land Commission:

The regulation of the land tenure, usage and exercise of rights in land shall be a concurrent competency exercised by the National and State Governments.

Rights in land owned by the National Government within the State shall be exercised through the appropriate or designated level of government.

There shall be established a State Land Commission in the State of Southern Kordofan/Nuba Mountains and Blue Nile, respectively.

The State Land Commission shall be composed of persons from the State concerned.

The State Land Commission shall exercise all the powers of the National Land Commission at the State level.

The State Land Commission shall be competent to review existing land leases and contracts and examine the criteria for the present land allocations and recommend to the State authority the introduction of such necessary changes, including restitution of land rights or compensation.

The National Land Commission and the State Land Commission shall cooperate and coordinate their activities so as to use their resources efficiently. Without limiting the matters of coordination, the National Land Commission and the State Land Commission may agree as follows:-

To exchange information and decisions of each Commission;  
That certain functions of the National Land Commission, including collection of data and research, may be carried out through the State Land Commission; and  
On the way in which any conflict between the findings or recommendations of each Commission may be resolved.

In case of conflict between the findings and recommendations of the National Land Commission and the State Land Commission which cannot be resolved by agreement, the two Commissions shall reconcile their positions. Failure to reconcile, the matter shall be referred to the Constitutional Court for adjudication.

Security Arrangements:

10.1 Without prejudice to the Agreement on the Security Arrangements and the right of Sudan Armed Forces (SAF) Command to deploy forces all over North Sudan as it deems fit, SAF troop levels in Southern Kordofan/Nuba Mountains and Blue Nile during the Interim Period shall be determined by the Presidency.



## Pre-Election Arrangements:

As part of pre-election arrangements, the Parties agree on the following:-

The Executive and Legislature in the two states shall be allocated as follows:-

Fifty-five Percent (55%) to the National Congress Party;  
Forty-five Percent (45%) to the SPLM.

There shall be rotational governorship in the two states with each Party holding the Office of Governor for half of the pre- election period in each of the two states.

No one Party is to hold the Governorship in both states at the same time.

The office of Deputy Governor is to be allocated to the Party that is not presently occupying the Office of Governor.

The Parties are to decide upon the signature of the comprehensive Peace Agreement the time and order in which each party assumes the Governorship in each state.

Pending general elections, and as part of affirmative action, the Parties agree that Southern Kordofan/Nuba Mountains and Blue Nile States shall be adequately represented in National Institutions targeting a percentage not less than the ratio of their population size.

## SCHEDULES:

### Schedule (A)

#### The Exclusive Executive and Legislative Competencies of the Two States:-

The drafting, adoption and amendment of the Constitution of the state, subject to conformity with the Interim National Constitution;

State Police;

State Prisons;

Local Governments;

State information, state publications and state media;

Social Welfare, including state pensions;

The Civil Service at the state level;

The state judiciary and administration of justice at the state level, including maintenance and organisation of state courts, subject to national norms and standards of civil and criminal procedure;

Cultural matters within the state;

Religious matters, subject to the Interim National Constitution;

Internal and external borrowing of money on the sole credit of the state within the national macro-economic framework, as set by the Ministry of Finance;

The establishment, tenure, appointment, and payment of state civil service officers;

The management, lease and utilization of lands belonging to the state;

The establishment, maintenance and management of reformatory institutions;

The establishment, regulation, and provision of health care, including hospitals and other health institutions;

Regulation of businesses, trade licenses, working conditions, hours, and holidays within the state;

Local works and undertakings;

Registration of marriage, divorce, inheritance, births, deaths, adoption and affiliations;

Enforcement of state laws;

Statutes enacted under the penal law power, save for the penalization for the breach of National laws relating to the National competencies;

The development, conservation and management of state natural resources and state forestry resources;

Primary and secondary school and education administration in regard thereto;

Laws in relation to agriculture within the state;

Airstrips other than international and national airports within civil aviation regulations;

Intrastate public transport and roads;

Population policy and family planning;

Pollution control;

State statistics, and state surveys;

State referenda, in matters within the state's competencies;  
State charities and endowment;  
Town and rural planning;  
State cultural and heritage sites, state libraries, state museums, and other historical sites;  
Traditional and customary law;  
Recreation and sport within the state;  
Firearms Licenses;  
State finances;  
State irrigation and embankments;  
State budget;  
State archives, antiquities, and monuments;  
Direct and indirect taxation within the state in order to raise revenue for the state;  
State public utilities;  
Vehicle licensing;  
Fire fighting and ambulance services;  
Flag and Emblem; and  
Community empowerment.

#### Schedule (B): Concurrent Powers

The National and State Governments shall have concurrent Legislative and Executive competencies on any of the matters listed below:-

Economic and social development within the state;  
Legal and other professions and their associations;  
Tertiary education, educational policy and scientific research;  
Health policy;  
Urban development, planning and housing;  
Trade, commerce, industry and industrial development;  
Delivery of public services;  
Banking and insurance;  
Bankruptcy and insolvency;  
Manufacturing licenses;  
Disaster preparedness, management and relief and epidemics;  
Traffic regulations;  
Electricity generation and water and waste management;  
Broadcasting and telecommunications utilities;  
Environmental management, conservation and protection;  
Relief, repatriation, resettlement, rehabilitation and reconstruction;  
The initiation and negotiation of international and regional agreements on culture, trade, investment, credit, loans, grants and technical assistance with foreign governments and foreign non-governmental organisations;  
Financial and economic policies and planning;

Gender policy;  
Women's empowerment;  
Animal and livestock control, animal diseases, pastures and veterinary services;  
Consumer safety and protection;

Women welfare and child protection and care;  
State courts responsible for enforcing or applying national laws; and  
Rehabilitation and care for disabled war veterans, orphans, widows and their dependants.

#### Schedule (C): Residual Powers

The residual powers shall be exercised in accordance with its nature and as to whether the power pertains to a national matter, requires a national standard or is a matter that cannot be regulated by a single state, in which case it shall be exercised by the National Government. If the power pertains to a state matter, it shall be exercised by the state.

#### Schedule (D): State Revenue Sources

The state shall be entitled to raise and collect the taxes and revenues from the sources listed hereunder:-

State land and property tax and royalties;  
Service charges for state services;  
Licenses;  
State personal income tax;  
Tourism levies;  
Share of natural resource revenues;  
State Government projects;  
Stamp duties;  
State agricultural taxes;  
Loans and borrowing in accordance with the national macro-economic policy framework;  
Excise taxes;  
Border trade charges or levies in accordance with National legislation;  
Other state taxes which do not encroach on National taxes; and  
Grants in Aid and Foreign Aid through the National Government.

## U.S. Institute of Peace Library Source Information

Posted by USIP Library on: June 30, 2004

Source Name: Sudan Ministry of Foreign Affairs web site Source URL:  
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#### Annex 4: Fashoda Peace Agreement

## THE FASHODA PEACE AGREEMENT

The delegations of the Sudan Government and the Sudan People's Liberation Movement (SPLM-United) met in Fashoda on 18-20 September 1997 under the mediation and chairmanship of His Majesty Reth Kwongo Dak Padiet, the Reth of the Shilluk. The opening session was addressed by His Majesty the Reth of the Shilluk, Dr. Riek Machar Teny, President of the Co-ordinating Council on behalf of the Government of the Sudan, and Dr. Lam Akol Ajawin, Chairman of the SPLM – United on behalf of the Movement. The two parties discussed the Sudan Peace Agreement of April 21, 1997. After serious and frank discussions the two parties agreed on the following amendments and additions to the said agreement.

The SPLM-United shall be guaranteed full legality of status and participation in the political and constitutional processes in the Sudan during the interim period.

The parties to the agreement shall have the right to freely propagate their respective options in the referendum among the people.

The 14<sup>th</sup> Constitutional Decree may not be amended except by (2/3) two thirds majority of the Co-ordinating Council and confirmed by a joint session of the advisory council and the ten Southern States' Assembly in a meeting to be held for that purpose at the seat of the Co-ordinating Council.

The office of the President of the Co-ordinating Council shall fall vacant on:-

The end of the term of office.

Death

Permanent disability or incapacitation.

Resignation.

5) A motion of impeachment is carried by three quarters of the Advisory Council.

SIGNED

Cdr. James Gatduel Gatluak 1. Mr. Musa el Mek Kur  
Vice Chairman of SPLM – United Minister of Animal Resources,  
Sudan Government.

Cdr. Akwoch Mayong Jago 2. Major General Bushra Osman Yousif  
Secretary for Military Affairs. Upper Nile Military Cdr.

## Annex 5: Khartoum Peace Agreement



## 1997 Peace Agreement

Signed the 21st April 1997 between:

The Government of Sudan;

The South Sudan United Democratic Salvation Front (UDSF) comprising:

The South Sudan Independence Movement (SSIM);

The Union of Sudan African Parties (USAP); and

The Sudan People's Liberation Movement (SPLM);

The Equatoria Defence Force (EDF); and

The South Sudan Independents Group (SSIG) PREAMBLE

We the parties to the conflict in the Sudan;

Deeply committed to an immediate end to the current armed conflict through peaceful and political means;

Aware that the attainment of a just and lasting peace requires courage, statesmanship, political daring and challenging vision from the parties;

Aware that only a sustainable peace based on justice, equality, democracy, and freedom can lead to a meaningful development and progress which would assist in the solution of the fundamental problems of the people of the Sudan;

Fully cognizant of the fact that the unity of the Sudan cannot be based on force or coercion, but on the free will of the people;

Hereby agree to make and abide by this agreement. CHAPTER ONE  
DEFINITIONS

In this agreement unless the context otherwise requires the following words shall have the same meanings assigned to it.

“Southern States” means the ten Southern States arising from the former provinces of Bahr el Gazal, Equatoria and Upper Nile with their boundaries as stood on 1st January 1956.

“Interim Period” means the transitional period having the defined functions to this agreement, the end of which shall be the announcement of the referendum results.

“Constitution” means the constitution of the Sudan including such parts or articles of the agreement as shall be designated to be part thereof.

“Agreement” is this peace agreement signed on April 21st 1997, between the Sudan Government on the one hand and the UDSF, SPLM, SSIG and EDF on the other.

“President of the Coordinating Council” refers to the person appointed by the President of the Republic of the Sudan to preside over the Coordinating Council.

“Custom” in the States of South Sudan means the African Custom.

## GENERAL PRINCIPLES.

The general principles contained in the political charter signed in Khartoum on 10th April 1996 shall be part of this agreement and shall guide and explain its provisions.

During a four-year interim period South Sudan shall enjoy a special status as defined in this peace agreement.

The interim arrangements shall be preceded by a declaration of permanent cease-fire and general amnesty proclamation.

The people of South Sudan shall exercise the right of self-determination through a referendum.

The problem of Abyei has been discussed and a final solution is referred to a conference on Abyei that will be convened in the area within the interim period.

## CHAPTER TWO

### AGREEMENT

Parties to the Agreement:

The Government of Sudan;

The South Sudan United Democratic Salvation Front (UDSF) comprising:

The South Sudan Independence Movement (SSIM);

The Union of Sudan African Parties (U.S.A.P); and

The Sudan People’s Liberation Movement (SPLM);

The Equatoria Defence Force (EDF); and

The South Sudan Independents Group

(SSIG) CHAPTER THREE

## POLITICAL ISSUES

### CONSTITUTIONAL AND LEGAL MATTERS

#### Religion and the State

Sudan is a multi-racial, multi-ethnic, multi-cultural and multi-religious society. Islam is the religion of the majority of the population and Christianity and the African creeds are followed by a considerable number of citizens. Nevertheless the basis of rights and duties in the Sudan shall be citizenship, and all Sudanese shall equally share in all aspects of life and political responsibilities on the basis of citizenship.

Freedom of religion, belief and worship shall be guaranteed.

A suitable atmosphere shall be maintained for practising, worship, dawa, proselytization and preaching.

No citizen shall be coerced to embrace any faith or religion.

There shall be no legislation which would adversely affect the religious rights of any citizen.

Regarding legislation:

Sharia and custom shall be the sources of legislation.

On the issue of Sharia, the parties agreed on a formula under which Laws of a general nature that are based on general principles common to the States shall apply at the national level, provided that the States shall have the right to enact any complementary legislation to federal legislation on matters that are peculiar to them. This power shall be exercised in addition to the powers the States exercise on matters designated as falling within their jurisdiction, including the development of customary law.

#### The Constitutional Guarantees

The Supreme Court is the custodian of the Constitution and is thus entrusted with the protection and interpretation of the Constitution.

The Constitution shall enshrine the following principles:

There shall be no punishment except as provided for by the law.

Every person is presumed innocent until the contrary is proved.

Litigation before courts is a right guaranteed for every person.

The Constitution shall guarantee the equality of all citizens before law without any discrimination; no immunity shall be without law.

The Constitution shall guarantee the application of the Rule of Law.

The bill of rights and freedoms shall be enshrined in the Constitution.

Any law or decision that contravenes the Constitution may be challenged in court by any aggrieved person.

All personal matters such as marriage, divorce, parentage and inheritance shall be governed by the religion and custom of those involved.

#### Fundamental Rights and Freedoms

Under the concept of the Rule of Law, the following basic human rights and fundamental freedoms shall be guaranteed:

The right to life and inviolability of the human person.

The right to equal treatment irrespective of gender, race, colour, religion or origin.

The right to family life and privacy.

The right to freedom of thought and conscience.

The right to property.

Freedom of expression.

Freedom of movement.

Freedom of the press.

Freedom of association and assembly as shall be regulated by the law.

Immunity from arbitrary arrest, detention and torture.

Freedom of religious worship, preaching, dawa,  
proselytization and religious propagation.

Freedom of expression and development of cultures and languages.

All other basic rights and freedoms that are recognised by and guaranteed under the International Conventions and Protocols ratified by the Government of the Sudan.

#### The Judiciary

The Judiciary in the Sudan shall be independent and decentralised.

Every State shall have judicial organ which is composed of a Court of Appeal, Province Courts, District Courts and Local Courts.

Appeals from the Court of Appeal shall be submitted to the Supreme Court.

Administration of justice in the State shall be vested in the State Judicial Organ.

Judges at all levels shall be appointed by the President of the Republic on the recommendation of the High Judicial Council.

Matters related to qualification, emoluments, privileges, promotions,  
training, retirement, etc. shall be regulated by law.

#### Democracy

Participatory democracy shall be realised through congresses and national convention or conference.

In promotion of participatory democracy the congresses and national convention shall be organised:

to accommodate forums for all citizens.

to discourage all forms of intolerance and totalitarianism.

The parties to this Agreement shall be guaranteed full participation in the political and constitutional processes in Sudan.

## POWER SHARING

### FEDERAL POWERS

The following powers shall be exercised by the Federal institutions:

Foreign Affairs.

Armed Forces and Defence Affairs.

Maritime Shipping and Navigation.

Currency, Coinage and Bills of Exchange.

Federal Budget and Federal Planning.

External Communications, External and Inter-State Postal and Telecommunication services, Civil Aviation and the operation and maintenance of International Airports.

The Judiciary.

Federal Railways and Inter-State Highways.

Weights, measures and determination of time.

The National Census.

Fishing and Fisheries in and beyond territorial waters.

Mining.

Inter-State Waterways.

Federal Election Commission.

Customs.

External Trade.

International Boundaries and Inter-State Boundary Disputes.

Meteorological Services.

National Security.

Federal Legislation:

on matters within Federal Powers.

on matters common to the States.

Audit General.

Education Planning.

Attorney General and Advocacy

National Electricity Network.

Federal Taxation.

Passports, Immigration, Nationality and Aliens Affairs.

Epidemic Control.

Emergency Jurisdiction.

## STATE POWERS

State Security, Public Order and Good Governance.

Wildlife, Tourism, Hotels, Inns, and so forth.

Land use and conservation without prejudice to the Federal Policies.

Local Government.

State Taxes.

Agriculture, Forestry and Fisheries including the establishment of Training Institutions in these fields.

Promotion of Languages, Cultures, Folklore, Arts, etc.

State Radio, TV, Newspapers and Printing Press.

Quarrying.

Roads, Water Supply, Hydro-Electric Power.

Irrigation and embankment pastures and their development.

Animal Health, Animal Husbandry and Animal Wealth.

Libraries and Museums.

Industrial and commercial development.

Missionaries activities, Charities and Endowments.

Specialised Hospitals and Clinics.

Establishment of Banks in accordance with the Central Bank Policies.

State Public Audit.

State Electricity Network.

State Attorney General.

State Legislation:

In matters within State Powers.

Complementary to Federal laws in matters peculiar to the State.

Customary laws.

State Economic development and Planning in accordance with Federal Planning.

Recruitment of Specialised technical expertise in various fields of development.

Health care and Establishment of all types of medical institutions for treatment and training of qualified medical personnel.

Registration of Birth and Death, and Marriages.

Statistics.

Scientific Research and Development.

Administration of Meteorological Services.

Education Management, Planning and Training up to University level within the framework of National Planning.

## RESIDUAL POWERS

The State shall exercise the residual powers without prejudice to the powers allocated to the Federal authorities.

The Federal authorities shall exercise the residual powers without infringing on powers allocated to the States.

In case of any dispute over the residual powers between the State and Federal authority, the dispute shall be referred to the Federal (Supreme) Court.

## WEALTH SHARING

The Federal Government shall lay down a comprehensive economic and social plan to develop the country in general and to bridge the gap between the various States in particular, so that within a definite period, a parity in provision of basic needs such as security, employment, water, food, education, health and housing could be reached.

In order to consolidate the economic policies:

The economy in the Sudan shall be based on free market forces.

The Federal Bank of the Sudan shall be responsible for regulating internal and external value of the Sudanese currency.

There shall be an independent Stock Exchange Bureau for selling and floating shares, bonds and premiums of companies and currency regulation to enhance free market economy.

There shall be established development projects to promote and maintain peace and stability among the people of the Sudan.

Major Federal development projects and big mining and oil projects shall be considered national wealth and be managed on a national basis provided that:

The Federal Government shall observe to allocate an equitable percentage of the Returns to be fixed by the Revenue Allocation Commission to the State where the project is located (see Annexe 3).

Ensure participation of the States in the management of such projects.

Ensure recruitment and training of citizens of the State in order to participate in such projects.

Any other fringe benefits.

A Revenue Allocation Commission shall be established to recommend revenue sharing formula for the whole country. The Coordinating Council shall be represented.

The Federal Government shall observe the following for the purpose of distribution of national revenue among the States and for site selection of major development projects:

Giving priority to the less-developed States according to their state of underdevelopment.

Economic feasibility of projects and their efficient functioning.

The effect of the project on the realisation of self-sufficiency in the basic needs of the country.

A balanced relationship between development and density of population and environment.

Establishment of a special fund to take care of crash development programmes and maintenance of peace.

In the field of rehabilitation of the war-affected areas, the following shall be observed:

The Federal Government and the Coordinating Council shall work to attract loans and aid from friendly countries and international benevolent organisations to rehabilitate the economic projects which ceased to function or were damaged because of the war. It shall also work for the reconstruction of the war-affected areas and resettlement of returnees and displaced persons.

The Federal Government and the Coordinating Council shall launch a plan and joint international appeal for the reconstruction, rehabilitation, repatriation and development of the Southern States and other war affected areas.

The Coordinating Council shall also establish a relief, resettlement, rehabilitation, reconstruction commission to manage and administer the resources acquired for the above purposes.

The sources of revenue of the Southern States shall consist of the following:

State taxes and generated revenue.

Fees, excise duties and licences.

Revenue from commercial, industrial and agricultural projects based in the Southern States.

Funds from the Federal treasury for established services in the States until such a time when they become self-reliant.

Any development assistance and donations from foreign sources.

Revenue allocation from the Federal Government for socio-economic development.

State share of Federal taxes levied on Federal projects and services functioning within the Southern States.

Business profit taxes.

Corporate taxes on factories and agricultural enterprises in the State, other than Federal ones, established in the Southern States.

Property taxes.

The share of fees on licenses for mineral and oil explorations (see Annexe 3).

Profits accruing from the Customs, Airports Services, Roads, Postal and Telecommunication Services and River Transport in the Southern States shall be allocated to Rehabilitation, Reconstruction, Repatriation Commission.

The State Government shall prepare a budget to meet the expenditure on services, administration and development of the State to be submitted to the State Legislative Organ for approval.

No project adversely affecting the people, ecology and natural environment of State may be implemented without consulting the State concerned.

The Federal Government and the Coordinating Council shall encourage and promote foreign investment and procurement of development assistance for the Southern States and shall encourage establishment of branches of public sector institutions, development corporations and specialised banks.

The Coordinating Council shall prepare a development budget for the Southern



States and submit the same to the President.

## 5. PARTICIPATION OF THE SOUTHERN CITIZENS IN THE FEDERAL INSTITUTIONS

Mindful of the present participation of the Southerners in the Federal Institutions, this Agreement is putting forward further balanced representation in the Federal institutions.

The participation shall be based on values of efficiency, qualification, honesty, justice, responsibility and equality between all the citizens without discrimination.

The Southern citizens shall participate in all Federal, political and constitutional institutions in numbers commensurate to the demands of the interim period, taking into consideration population size and provided that the criteria for eligibility are met.

The Southern citizens shall have the right to participate in the Federal Institutions as follows:

The Presidency.

The Federal Council of Ministers.

The National Legislative Assembly.

The Federal Defense and Security Council.

The Supreme Court.

The Federal Planning Institutions.

The National Elections Commission.

Foreign Affairs.

The Federal Career Selection Commission.

Federal Universities and Research Institutions.

The Armed Forces.

Any other Federal Institutions.

The Federal Career Selection Commission (FCC) shall have an office at the seat of the Coordinating Council.

## CHAPTER FOUR

### THE INTERIM PERIOD

The length of the interim period shall be four years. However, it may be shortened or extended if need arises by recommendation from the Coordinating Council to the President of the Republic.

The interim period shall commence as from the date of the formation of the Coordinating Council and shall end as soon as the referendum is accomplished and the results are declared.

The Coordinating Council shall carry out the following activities during the interim period:

- To assist repatriate, resettle and rehabilitate the displaced and the returnees.
- To reconstruct the war devastated areas.
- To remove effects of war by clearing mine fields, opening tip roads and waterways.
- To promote reconciliation, peace and confidence-building amongst the Sudanese citizens.
- To draw development plans for the Southern States and solicit funds from national, regional and international bodies and institutions for implementation of the peace agreement.
- To draw a political mobilisation plan to strengthen peace and unity in different parts of the country.
- To strengthen the Federal rule in the Southern States.
- To reassemble and train manpower in order to re-establish the public service in the Southern States.
- To strengthen the capacity building of the people in the Southern States to become self-reliant. In this regard plans shall be drawn to receive support for educational, health, food security and social services institutions.
- To educate and mobilise the people of Southern States on the process of referendum.
- To provide adequate security in the Southern States in order to create a conducive atmosphere for the referendum.
- To participate in conducting census in the Southern States.
- To assist register voters for the referendum.

## CHAPTER FIVE

### THE COORDINATING COUNCIL OF THE SOUTHERN STATES 1.DEFINITION

In accordance with this Peace Agreement, there shall be established a Coordinating Council in Southern States during the interim period. The Coordinating Council shall be responsible for coordination, supervision, socio-economic planning, confidence- building, peace-nurturing, policy-making as well as political mobilisation.

The President of the Coordinating Council shall be accountable to the President of the Republic.

The President of the Republic in consultation with parties signatory to this Agreement shall appoint the President of the Coordinating Council.

The President of the Coordinating Council in consultation with Southern political forces shall recommend his cabinet including the Governors (Wadis) to the President of the Republic for appointment.

The Ministers in the Coordinating Council shall enjoy status of Federal Ministers.

The Governors of the Southern States in consultation with the political forces in their respective States shall recommend appointment of members of their governments including commissioners to the President of the Coordinating Council who shall pass the same to the President of the Republic.

Until the atmosphere is conducive for elections of State Assemblies to take place,

the President of the Coordinating Council, in consultation with the political forces, shall recommend to the President of the Republic new members of legislative assemblies in the Southern States for appointment.

The Coordinating Council shall act as a link between the Federal Government and the Southern States.

The Coordinating Council has the right to choose its seat.

**FUNCTIONS OF THE COORDINATING COUNCIL** The Coordinating Council shall have the following functions:

General Supervision of the implementation of this peace agreement as well as all peace matters.

Voluntary repatriation of the returnees, and the displaced, rehabilitation and reconstruction of war-affected areas in the Southern States.

Ensuring confidence-building measures among the Sudanese citizens.

To embark on mobilisation of the people therein for the referendum.

Legislative Functions:

The Coordinating Council shall establish an Advisory Council for perfection of the legislative process.

The Coordinating Council shall coordinate legislation with the Southern States Legislative Assemblies in matters common to these States.

The Coordinating Council may request adjournment of any legislation tabled in the National Assembly if deemed to adversely affect the interests of the Southern States until such a time the Coordinating Council presents its opinion.

Encourage establishment and supervision of foreign consulate, UN agencies and NGOs in South Sudan in coordination with the Federal Government in coordination with the Federal organs concerned.

**POWERS OF THE COORDINATING COUNCIL**

The Coordinating Council shall exercise the following powers:

**DEVOLVED POWERS**

Education Planning up to University level in accordance with National policies.

Planning and supervision of Southern States security, public order and good governance.

Economic development and planning in accordance with national policies.

Planning and programming for electricity network and other public utilities in the Southern States.

Organisation of scientific research, technological, industrial and

commercial  
development.

To conduct International agreements on culture, trade, including border trade, and technical co-operation, the procurement of foreign capital investment and development assistance from governmental and non-governmental organisations (NGOs) in coordination with the Federal organs concerned.

## CONCURRENT POWERS

The Coordinating Council shall exercise the following powers concurrent with the Federal organs:

Planning for survey and land disposition.

Planning and supervision of the Public Service in the Southern States.

Organisation of States Elections and Census.

Drawing of environmental conservation policies.

Cultural planning and regulation, supervision of Radio, TV, newspapers and printing press.

Supervision of trade union disputes.

Audit within the Audit General.

Establishment of Banks.

Air, Land and River Transport, Postal Services and Telecommunication.

Copyrights, Patents and Publishers' Rights.

In addition to the above-devolved and concurrent powers, the President of the Republic and any Federal Ministry or Federal Organ may delegate powers to the Coordinating Council for policy, planning and general supervision in Southern States.

The Coordinating Council shall receive regular reports from the Governments and other Institutions of the Southern States and shall report the same to the President of the Republic.

The Coordinating Council shall take over the responsibilities and functions of the Supreme Council for Peace and its organs.

## COMPOSITION OF THE COORDINATING COUNCIL

The Coordinating Council membership shall be as follows:

The President of the Coordinating Council.

The Vice President of the Coordinating Council and Minister of Local Government Affairs and Public Security.

Minister for Cabinet Affairs.

Minister for Economic Planning and Financial Affairs.

Minister for Education and Instruction Affairs.

Minister for Legal Affairs.

Minister for Public Service and Labour.

Minister for Information, Culture and Social Affairs.

Minister for Agriculture and Natural Resources.

Minister for Health Affairs.

Minister for Peace and Political Mobilisation.  
Minister for Wildlife Conservation, Tourism and Environmental Control.  
Minister for Engineering Affairs and Public Utilities.  
Minister for Humanitarian Affairs and Rehabilitation.  
Minister for Commerce, Supplies and Industry.

Besides the members mentioned above the Governors (Walis) of the Southern States shall be members in the Coordinating Council by virtue of their post.

There shall be established in Southern States a Relief, Rehabilitation, Resettlement, Repatriation Commission (SSRRRC) which shall be supervised by the Minister for Humanitarian Affairs.

The Coordinating Council shall prepare its annual budget to be submitted to the President of the Republic.

The Coordinating Council shall issue regulations to direct its activities and specify the functions, duties and roles of its various departments.

The President of the Coordinating Council shall recommend to the President of the Republic relief from office, acceptance or rejection of resignation of any member of the Coordinating Council including the Governors.

The State Governors shall recommend to the President of the Coordinating Council relief from office, acceptance or rejection of resignation of any member of the State governments including commissioners. The President of the Coordinating Council shall pass the same to the President of the Republic for approval.

## CHAPTER SIX

### SECURITY ARRANGEMENTS DURING THE INTERIM PERIOD

The South Sudan Defence Force (SSDF) shall remain separate from the National Army and be stationed in their locations under their command.

Police, Prisons, Wild Life, Civil Defence, Fire Brigade and Public Security in the Southern States shall be drawn from the people of Southern Sudan.

The size of the Sudanese Armed Forces in South Sudan shall be reduced to peace-time level once peace is established.

A Joint Technical Military Committee of equal numbers shall be constituted from the Sudanese Armed Forces on one hand and the SSDF on the other for the purpose of supervision and implementation of the security arrangements in this agreement (see Annexe 1).

The Joint Technical Military Committee shall oversee and supervise the activities of the Cease-Fire Commission and the peace-keeping observers.

The Joint Technical Military Committee shall coordinate with the Army General

HQs provision of supplies, training, armament, emoluments and other facilities for the SSDF.

A Joint Military Cease-Fire Commission shall be established to monitor cease-fire violations and the disengagement of troops in Southern States (Annexe 1).

The Movement of the armed parties shall be coordinated and controlled by the Joint Technical Military Committee, and its subcommittees (Annexe 1).

In accordance with this agreement the President of the Republic of the Sudan shall declare general amnesty to members of SSDF from any criminal or civil culpability relating to acts committed during the period of the war with effect from the date of signing this Peace Agreement (see Annexe 2).

There shall be established a Joint Amnesty Commission to follow up the implementation of the General Amnesty Proclamation (see Annexe 2).

There shall be established a Joint Amnesty Tribunal to receive, examine and determine cases which are covered by this Amnesty Proclamation (see Annexe 2).

War wounded, widows, orphans and other war victims shall be rehabilitated with assistance from the national, regional and international humanitarian agencies.

The Annexes are considered as guidelines with a degree of flexibility to the said committees/commissions.

## CHAPTER SEVEN

### 10. THE REFERENDUM

By this Agreement the right of the people of Southern Sudan to determine their political aspirations and to pursue their economic, social and cultural development is hereby affirmed.

The people of Southern Sudan shall exercise this right in a referendum before the end of the interim period.

Options in the referendum shall be:

Unity.

Secession.

The referendum shall be free, fair and be conducted by a Special Referendum Commission (SRC) to be formed by a Presidential decree in consultation with the Coordinating Council.

Eligible voters for the referendum shall be Southern Sudanese people who have attained the age of eighteen years and above and who are residing inside and

outside of South Sudan.

The vote shall be by secret ballot.

To ensure free and fair conduct of the referendum, the SRC shall invite observers as follows:

OAU, Arab League, UN, Religious bodies, IGAD, National and Foreign NGOs and any other countries.

National and international media and journalists.

The parties agree to respect, abide by and implement in good faith the result of the referendum.

## CHAPTER EIGHT

### 11. FINAL PROVISIONS

#### LANGUAGE

Arabic shall be the official language of the Sudan, with English as the second language of the Sudan. The government shall endeavour to develop other languages.

#### AMENDMENT OF THE AGREEMENT

No bill of amendment to this Agreement shall be presented to the National Assembly without consulting the Coordinating Council.

For amendment on this Agreement the Coordinating Council may present its petition to the President of the Republic provided that such a bill is passed in the Coordinating Council by a two-thirds majority.

(signed)

For The Sudan Government LT General  
EL Zuber Mohammed Saleh

For United Salvation Front (UDSF) and  
South Sudan Independence Movement/Army (SSIM/A)

Cdr Dr Riek Macher Teny D. Chairman & C-in-C

For Sudan People's Liberation Movement (SPLM/A)

Cdr Karubino Kawanyin Bol Chairman C-in-C (SPLM/A)

For South Sudan Independents Group (SSIG)

Cdr Kawac Makwei Chairman C-in-C (SSIG)  
For Equatoria Defence Force (EDF)

Dr Theophilus Ochang Loti Chairman C-in-C (EDF)

For the Union of Sudanese African Parties (U.S.A.P)

Mr Samuel Aru Bol Chairman (USAP)

Cdr Arok Thong Arok SPLA/M Bor Group

## ANNEX 1

Agreement on the Cessation of Hostilities and Cease-Fire Between South Sudan Defence Force (SSDF) and the Government of the Sudan

In pursuance of the Political Charter of 10th April 1996, the following Agreement for the total cessation of hostilities and permanent cease-fire is hereby concluded and declared.

### 1. Definition

In this agreement the following words shall have the meanings hereinafter assigned to them.

The “Parties” means the parties to the cease-fire agreement that are the Government of the Sudan represented by the Sudanese Armed Forces on one hand and the United



Democratic Salvation Front (UDSF), SPLM, SSIG and EDF represented by SSDF on the other.

The “Joint Technical Military Committee” means the Joint Technical Military Committee consulted from officers of Sudanese Armed Forces and SSDF under Article 3 below.

“Joint Cease-fire Commission” means Joint Cease-fire Commission, established under Article 4 below from officers of the Sudanese Armed Forces and SSDF.

#### Cessation of Hostilities and Cease-Fire

There shall be total cessation of all forms of hostilities amid a permanent Cease-Fire in all areas of conflict effective as from\_Hours,\_, 1997;

The parties shall promote peace through mass media, public rallies, conferences, seminars, etc.,

The parties shall refrain from any propaganda or information policy that is inconsistent with the process of peace;

#### Joint Technical Military Committee

The parties shall constitute a Joint Technical Military Committee from capable officers of the parties as follows:

Five (5) officers from each side;

Other support staff;

Headquarters;

The Chairmanship shall alternate for three months;

The HQ of the Joint Technical Military Committee shall be in Khartoum at the General Military Headquarters.

#### Duties of the Joint Technical Military Committee:

To supervises the work of the Joint Cease-Fire Commission;

To deal with any administrative matters connected with implementation of the Cease-Fire; and

Any other relevant matters pertaining to the implementation of the security arrangements.

Decisions of the Joint Technical Committee shall be taken unanimously and in case of disagreement such matters shall be referred to the leadership of the parties.

#### The Joint Cease-Fire Commission

#### Composition

It shall be constituted by the parties as follows:

Ten officers from each side.

The Chairmanship shall alternate for three months period.

The HQ of the Joint Cease-Fire Commission shall be at the headquarters of the Coordinating Council and shall have local branches at each State, Province and Local Council levels in the areas affected by the conflict.

#### Duties of the Joint Cease-Fire Commission

To ensure that the Cease-Fire is enforced and consolidated;

To constantly observe and report any breaches of the Cease-Fire;

To investigate alleged violations of the Cease-Fire and to take appropriate measures;

To send regular reports to the Joint Technical Military Committee on the general military and security situation;

To supervise local Cease-Fire Committees at State, Province and Local Council levels.

#### Local Cease-Fire Commissions

There shall be established local Cease-Fire Committees at the State, Province or Local Council levels in areas where SSDF and Sudanese Armed Forces are in close contact.

Each local Cease-Fire Committee shall consist of seven (7) members and shall be formed by the Joint Cease-Fire Commission, and its members may be drawn from Military personnel, civil administrators, chiefs and community leaders.

Acts that are Prohibited As of that date in which the Cease-Fire and the cessation of hostilities comes into effect the forces of the parties to the agreement and any allied militia shall refrain from the following:

Hostile military operations against each other by means of forces or individuals under control;

Acts of terrorism, sabotage or harassment against each other;

Acts of violence against the civil population;

Interference with free movement of the civil population and services or looting of their property; and

Any hostile conduct which is inconsistent with the spirit of peace and stability.

#### Free Movement of Forces

Subject to the prior notification of the Joint Cease-Fire Commission, forces of the parties shall enjoy freedom of movement in areas controlled by each side whether as military units or as individuals for any of the following purposes:

To carry out troops rotation or relief;  
To carry out liaison and coordination activities between command and units on the move;  
To deliver logistical supplies; and iv) To go on leave or seek medical care or for other humanitarian reasons.

After receiving notification of troops movement the Joint Cease-Fire Commission or the Local Cease-Fire Committee, as the case may be, shall acknowledge the information and shall transmit the same to the next higher authorities for information and record.

Individual members of SSDF and the Sudanese Armed Forces exercising the freedom of movement for family, humanitarian or whatever reasons, for which they have been granted permission by their military units, must carry the necessary departure orders duly signed by the commanders of their units.

The Joint Cease-Fire Commission shall systematically evaluate the progress being made in ensuring compliance with the Cease-Fire agreement. If it notes that a situation is developing which might result in a crisis, it shall draw such conclusions and make recommendations as may be necessary to prevent a collapse of the Cease-Fire or a crisis of public order. It shall transmit its conclusions and recommendations to the Joint Technical Military Committee and subsequently to the leadership of the parties.

## ANNEXE 2

### GENERAL AMNESTY PROCLAMATION ORDER 1997

The Parties agree that the President of the Republic of Sudan shall declare a general and unconditional amnesty for all offenses committed between 16th May 1983 through ..... 1997 in accordance with the common will of the people of the Sudan.

The general and unconditional amnesty shall cover the period from 16th May 1983 to ..... 1997 to all (SSDF) forces, to the effect that nobody shall be prosecuted or punished for acts or omissions committed during this period.

No action or other legal proceedings whatsoever, civil or criminal, shall be instituted against any persons in any court of law or any place for, or on account of, any act, omission or matter done inside or outside Sudan as from 16th May 1983 to ..... 1997, if such act or omission or matter was committed by any member of (SSDF).

Civil Actions: All civil suits instituted before ..... 1997, relating to acts committed or matters referred to in Article 2 above or as scheduled in Article 8 in this Proclamation Order are covered by this amnesty and shall be discharged and made null and void.

Discharge of Prisoners and Detainees: All persons serving terms of imprisonment or being held in detention in respect of offences committed in relation to the war or persons being detained or sentenced to imprisonment for political or politically- motivated crimes, and falling within the offences mentioned in the schedule in Article

8 below shall be discharged and set free from the day of signature of this Proclamation.

Freedom of Movement: There shall be freedom of movement of people, goods and services throughout the Sudan. The relevant authorities shall implement this provision accordingly.

Joint Amnesty Committee:

The parties shall set up an ad hoc Joint Amnesty Committee to follow up implementation of the provisions of this Amnesty Proclamation and shall compile and report about all those persons who were in prison or under detention, whether civilians or military personnel, and who should have been released in response to the terms of the amnesty, and the degree of freedom of movement of persons, goods, and services inside Southern States.

The members of the Joint Amnesty Commission shall be drawn from the parties to the conflict and members of the National Human Rights groups.

The Joint Amnesty Commission shall be composed of three from each of the parties.

Special Amnesty Tribunal:

The parties shall set up special tribunal with judicial powers to receive, examine and determine cases which are covered by this Amnesty Proclamation.

The tribunal shall be composed of three persons from each party.

Schedule of offences covered by the Amnesty: The undermentioned are offences covered by the Amnesty Proclamation Order covering the period from 16th May 1983 through ..... 1997.

Treason.

Desertion.

Defamation.

Any other political and war-related offences committed during the above- mentioned period.

## Annex 6: Machakos Protocol

## Machakos Protocol

### IGAD "Secretariat on Peace in the Sudan" Machakos Protocol

July 20, 2002

WHEREAS the Government of the Republic of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army (the Parties) having met in Machakos Kenya, from 18 June 2002 through 20 July 2002 under the auspices of the IGAD Peace Process; and

WHEREAS the Parties have reiterated their commitment to a negotiated, peaceful, comprehensive resolution to the Sudan Conflict within the Unity of Sudan; and

WHEREAS the Parties discussed at length and agreed on a broad framework which sets forth the principles of governance, the general procedures to be followed during the transitional process and the structures of government to be created under legal and constitutional arrangements to be established; and

NOW RECORD THAT the Parties have agreed to negotiate and elaborate in greater detail the specific terms of the Framework, including aspects not covered in this phase of the negotiations, as part of the overall Peace Agreement; and

FURTHER RECORD THAT within the above context, the Parties have reached specific agreement on the Right to Self-Determination for the people of South Sudan, State and Religion, as well as the Preamble, Principles, and the Transition Process from the Draft Framework, the initialed texts of which are annexed hereto, and all of which will be subsequently incorporated into the Final Agreement; and

IT IS AGREED AND CONFIRMED THAT the Parties shall resume negotiations in August, 2002 with the aim of resolving outstanding issues and realizing comprehensive peace in the Sudan.

Dr. Ghazi Salahuddin Atabani For: The Government of Sudan

Cdr. Salva Kiir Mayardit

For: The Sudan People's Liberation Movement/Army Witnessed by:

Lt. Gen. Lazaro K. Sumbeiywo Special Envoy

IGAD Sudan Peace Process and On behalf of the IGAD Envoys

AGREED TEXT ON THE PREAMBLE, PRINCIPLES, AND THE TRANSITION PROCESS

BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE SUDAN AND THE SUDAN PEOPLE'S LIBERATION MOVEMENT/SUDAN PEOPLE'S LIBERATION ARMY

WHEREAS the Government of the Republic of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army (hereafter referred to as the Parties) having met in Machakos, Kenya, from 18 June 2002 through 20 July 2002; and

WHEREAS the Parties are desirous of resolving the Sudan Conflict in a just and sustainable manner by addressing the root causes of the conflict and by establishing a framework for governance through which power and wealth shall be equitably shared and human rights guaranteed; and

MINDFUL that the conflict in the Sudan is the longest running conflict in Africa, that it has caused horrendous loss of life and destroyed the infrastructure of the country, wasted economic resources, and has caused untold suffering, particularly with regard to the people of South Sudan; and

SENSITIVE to historical injustices and inequalities in development between the different regions of the Sudan that need to be redressed; and

RECOGNIZING that the present moment offers a window of opportunity to reach a just peace agreement to end the war; and

CONVINCED that the rejuvenated IGAD peace process under the chairmanship of the Kenyan President, H.E. Daniel T. arap Moi, provides the means to resolve the conflict and reach a just and sustainable peace; and

COMMITTED to a negotiated, peaceful, comprehensive resolution to the conflict based on the Declaration of Principles (DOP) for the benefit of all the people of the Sudan;

NOW THEREFORE, the Parties hereto hereby agree as follows:

## PART A

### (AGREED PRINCIPLES)

That the unity of the Sudan, based on the free will of its people democratic governance, accountability, equality, respect, and justice for all citizens of the Sudan is and shall be the priority of the parties and that it is possible to redress the grievances of the people of South Sudan and to meet their aspirations within such a framework.

That the people of South Sudan have the right to control and govern affairs in their region and participate equitably in the National Government.

That the people of South Sudan have the right to self-determination, inter alia, through a referendum to determine their future status.

That religion, customs, and traditions are a source of moral strength and inspiration for the Sudanese people.

That the people of the Sudan share a common heritage and aspirations and accordingly agree to work together to:

Establish a democratic system of governance taking account of the cultural, ethnic, racial, religious and linguistic diversity and gender equality of the people of the Sudan.

Find a comprehensive solution that addresses the economic and social deterioration of the Sudan and replaces war not just with peace, but also with social, political and economic justice which respects the fundamental human and political rights of all the Sudanese people.

Negotiate and implement a comprehensive cease-fire to end the suffering and killing of the Sudanese people.

Formulate a repatriation, resettlement, rehabilitation, reconstruction and development plan to address the needs of those areas affected by the war and redress the historical imbalances of development and resource allocation.

Design and implement the Peace Agreement so as to make the unity of the Sudan an attractive option especially to the people of South Sudan.

Undertake the challenge by finding a framework by which these common objectives can be best realized and expressed for the benefit of all the Sudanese.

## PART B

### (THE TRANSITION PROCESS)

In order to end the conflict and to secure a peaceful and prosperous future for all the people of the Sudan and in order to collaborate in the task of governing the country, the Parties hereby agree to the implementation of the Peace Agreement in accordance with the sequence, time periods and process set out below.

2. There shall be a Pre-Interim Period, the duration of which shall be six (6) months.

#### 2.1 During the Pre-Interim Period:

The institutions and mechanisms provided for in the Peace Agreement shall be established;

If not already in force, there shall be a cessation of hostilities with appropriate monitoring mechanisms established;



Mechanisms to implement and monitor the Peace Agreement shall be created;

Preparations shall be made for the implementation of a comprehensive cease-fire as soon as possible;

International assistance shall be sought; and

A Constitutional Framework for the Peace Agreement and the institutions referred to in (a) shall be established.

The Interim Period will commence at the end of the Pre-Interim Period and shall last for six years.

Throughout the Interim Period:

The institutions and mechanisms established during the Pre-Interim Period shall be operating in accordance with the arrangements and principles set out in the Peace Agreement.

If not already accomplished, the negotiated comprehensive cease-fire will be implemented and international monitoring mechanisms shall be established and operationalized.

An independent Assessment and Evaluation Commission shall be established during the Pre-Interim Period to monitor the implementation of the Peace Agreement and conduct a mid-term evaluation of the unity arrangements established under the Peace Agreement.

The composition of the Assessment and Evaluation Commission shall consist of equal representation from the GOS and the SPLM/A, and not more than two (2) representatives, respectively, from each of the following categories:

Member states of the IGAD Sub-Committee on Sudan (Djibouti, Eritrea, Ethiopia, Kenya, and Uganda);

Observer States (Italy, Norway, UK, and US); and

Any other countries or regional or international bodies to be agreed upon by the parties.

The Parties shall work with the Commission during the Interim Period with a view to improving the institutions and arrangements created under the Agreement and making the unity of Sudan attractive to the people of South Sudan.

At the end of the six (6) year Interim Period there shall be an internationally monitored referendum, organised jointly by the GOS and the SPLM/A, for the people of South Sudan to: confirm the unity of the Sudan by voting to adopt

the system of government established under the Peace Agreement; or to vote for secession.

The parties shall refrain from any form of unilateral revocation or abrogation of the Peace Agreement.

## Part C

### (Structures of Government)

To give effect to the agreements set out in Part A, the Parties, within a framework of a unified Sudan which recognizes the right to self-determination for the people of Southern Sudan, hereby agree that with respect to the division of powers and the structures and functions of the different organs of government, the political framework of governance in the Sudan shall be structured as follows:

#### Supreme Law

The National Constitution of the Sudan shall be the Supreme Law of the land. All laws must comply with the National Constitution. This constitution shall regulate the relations and allocate the powers and functions between the different levels of government as well as prescribe the wealth sharing arrangements between the same. The National Constitution shall guarantee freedom of belief, worship and religious practice in full to all Sudanese citizens.

A representative National Constitutional Review Commission shall be established during the Pre-Transition Period which shall have as its first task the drafting of a Legal and Constitutional Framework to govern the Interim Period and which incorporates the Peace Agreement.

The Framework mentioned above shall be adopted as shall be agreed upon by the Parties.

During the Interim Period an inclusive Constitutional Review Process shall be undertaken.

The Constitution shall not be amended or repealed except by way of special procedures and qualified majorities in order that the provisions of the Peace Agreement are protected.

#### National Government

There shall be a National Government which shall exercise such functions and pass such laws as must necessarily be exercised by a sovereign state at national level. The National Government in all its laws shall take into account the religious and cultural diversity of the Sudanese people.

Nationally enacted legislation having effect only in respect of the states outside

Southern Sudan shall have as its source of legislation Sharia and the consensus of the people.

Nationally enacted legislation applicable to the southern States and/or the Southern Region shall have as its source of legislation popular consensus, the values and the customs of the people of Sudan including their traditions and religious beliefs, having regard to Sudan's diversity).

Where national legislation is currently in operation or is enacted and its source is religious or customary law, then a state or region, the majority of whose residents do not practice such religion or customs may:

Either introduce legislation so as to allow or provide for institutions or practices in that region consistent with their religion or customs, or

Refer the law to the Council of States for it to approve by a two-thirds majority or initiate national legislation which will provide for such necessary alternative institutions as is appropriate.

[sections 4 and 5 are not yet available; indications are that the subjects of these sections are still under negotiation]

#### AGREED TEXT ON STATE AND RELIGION

Recognizing that Sudan is a multi-cultural, multi-racial, multi-ethnic, multi-religious, and multi-lingual country and confirming that religion shall not be used as a divisive factor, the Parties hereby agree as follows:

Religions, customs and beliefs are a source of moral strength and inspiration for the Sudanese people.

There shall be freedom of belief, worship and conscience for followers of all religions or beliefs or customs and no one shall be discriminated against on such grounds.

Eligibility for public office, including the presidency, public service and the enjoyment of all rights and duties shall be based on citizenship and not on religion, beliefs, or customs.

All personal and family matters including marriage, divorce, inheritance, succession, and affiliation may be governed by the personal laws (including Sharia or other religious laws, customs, or traditions) of those concerned.

The Parties agree to respect the following Rights:

To worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes;

To establish and maintain appropriate charitable or humanitarian institutions;

To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;

To write, issue and disseminate relevant publications in these areas;

To teach religion or belief in places suitable for these purposes;

To solicit and receive voluntary financial and other contributions from individuals and institutions;

To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;

To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religious beliefs;

To establish and maintain communications with individuals and communities in matters of religion and belief and at the national and international levels;

For avoidance of doubt, no one shall be subject to discrimination by the National Government, state, institutions, group of persons or person on grounds of religion or other beliefs.

The Principles enumerated in Section 6.1 through 6.5 shall be reflected in the Constitution.

#### AGREED TEXT ON THE RIGHT TO SELF-DETERMINATION FOR THE PEOPLE OF SOUTHSUDAN

1.3 That the people of South Sudan have the right to self-determination, inter alia, through a referendum to determine their future status.

An independent Assessment and Evaluation Commission shall be established during the Pre-Transition period to monitor the implementation of the Peace Agreement during the Interim Period. This Commission shall conduct a mid-term evaluation of the unity arrangements established under the Peace Agreement.

The composition of the Assessment and Evaluation Commission shall consist of equal representation from the GOS and the SPLM/A, and not more than two (2) representatives, respectively, from each of the following categories:

Member states of the IGAD Sub-Committee on Sudan (Djibouti, Eritrea, Ethiopia, Kenya, and Uganda);

Observer States (Italy, Norway, UK, and US); and

Any other countries or regional or international bodies to be agreed upon by the parties.

The Parties shall work with the Commission during the Interim Period with a view to improving the institutions and arrangements created under the Agreement and making the unity of Sudan attractive to the people of South Sudan.

At the end of the six (6) year interim period there shall be an internationally monitored referendum, organised jointly by the GOS and the SPLM/A, for the people of South Sudan to: confirm the unity of the Sudan by voting to adopt the system of government established under the Peace Agreement; or to vote for secession.

The Parties shall refrain from any form of unilateral revocation or abrogation of the Peace Agreement.